the weekly Standard

AUGUST 15 / AUGUST 22, 2005

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BUSH v. RUMSFELD
WILLIAM KRISTOL

The Mess on the Mall

BY ANDREW FERGUSON

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TUESDAY?
IT'S HOLDING BACK DEMOCRACY.

One vote can change history. Unfortunately that vote probably never got cast.

Today American voter registration is at an all-time high, but voter participation is at an all-time low. Among nations, America ranks 139th out of 172 in voter turnout. In fact, a higher percentage of people vote in Italy, Uzbekistan and Russia than in America. Something is happening on the way to the voting booth. The "consent of the governed" is growing ever smaller in every election. Before our eyes, we see the emergence of a permanent class of non-voters.

It's time to reawaken the American public to the precept that voting is not just a precious right; it's the first duty of democracy.

It is time to once again end the silence of good people. We can start by asking a simple question: Why Tuesday?

The U.S. Constitution does not require holding national elections on Tuesdays. Instead, Tuesday was established by a Congressional act for the agrarian society of 1845: a time of the horse and buggy and California hadn't even achieved statehood.

But things have changed.

According to dramatic Census data, "scheduling conflicts / being too busy" is the single greatest reason for not voting. Tuesday makes too many of us choose between work, school, family and civic duty. What's so tragic is that when we vote can be changed by a simple act of Congress.

Why Tuesday? is a grassroots bipartisan effort to increase voter participation in our electoral process by moving our federal election day to the first weekend in November.

Why Tuesday? welcomes community and national leaders, voters and non-voters, young and old, Republicans and Democrats.

As we celebrate the 40th anniversary of the Voting Rights Act we call upon all Americans to join us in this vital movement to make our democracy work for all of us.

If you'd like to learn more about what you can do to move the vote – visit our website, **www.whytuesday.org** or call us at 1-888-909-9595.

Why Tuesday? One person, One vote, Just not one day.

Why Tuesday?

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THIS IS A COMBINED ISSUE. THE NEXT ISSUE OF THE WEEKLY STANDARD WILL APPEAR IN TWO WEEKS.

Contents

August 15 / August 22, 2005 • Volume 10, Number 45

2 Scrapbook..... *Brody's BM, Gore's TV, and more.*

4 Casual..... *Gary Schmitt, Hall monitor.*

6 Correspondence..... *Freelancing, jailing reporters, etc.*

7 Editorial..... *Bush v. Rumsfeld*

Articles

10 Sanctuary No More *It's no longer springtime for jihadis in Britain*..... BY GERARD BAKER

11 Goldilocks Economy *The bad news is the good news isn't being heard*..... BY IRWIN M. STELZER

13 Men Without a Country *What to do with the Uighurs in Guantanamo*..... BY ELLEN BORK

15 In John Roberts's America . . . *The civil rights laws mean what they say*..... BY DUNCAN CURRIE

17 The Nuclear Option *Time for policymakers to get over the China Syndrome*..... BY SPENCER ABRAHAM

18 Bordering on a Policy *Is there an agreement in the works on immigration?*..... BY TAMAR JACOBY

Cover: C.F. Payne

Features

20 The Mess on the Mall

If you want a vision of hell, look here: the national mall in Washington, D.C., at noon on a summer's day. Mom and Dad and Buddy and Sis stand on the treeless expanse, baked by the pitiless sun, looking lost. Dad wears a muscle-beach T-shirt stretched over a Cheesecake - Factory body, his hair matted in shiny ringlets round the crown of his head. Sweat begins to show at the waistband of Mom's stretch pants..... BY ANDREW FERGUSON

Books & Arts

29 Boy Premier *A life of the youngest man ever to inhabit 10 Downing Street*..... BY MAX BOOT

32 Hello, Muddah *How Michael Eisner learned the arts and crafts of hardball*..... BY JUDY BACHRACH

33 A Forgotten War *In 1759, the British won the struggle for North America*..... BY PATRICK J. WALSH

35 Bombs Away *Reagan "felt that Mutual Assured Destruction (MAD) was just that."*..... BY ILYA SHAPIRO

36 Our Celtic Fringe *The American mainstream has Scots-Irish blood*..... BY JOHN SHELTON REED

39 THE STANDARD READER..... *Bret Lott's* The Difference Between Women and Men.

40 Parody..... *Classical payola.*

William Kristol, *Editor* **Fred Barnes,** *Executive Editor*
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BPA INTERNATIONAL

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The Prune of Miss Jane Brody

With remarkably little fanfare, the *New York Times* appears to have adopted new ethics policies requiring unprecedented personal disclosures by its most prominent and popular columnists. Top management at the paper has yet to comment on the matter publicly, but the nature and extent of the change became unmistakable, most outside media analysts seem to agree, with the publication last Tuesday of a landmark essay on constipation by *Times* "personal health" correspondent Jane E. Brody. Ms. Brody's August 2 story, "Looking Beyond Fiber to Stay 'Regular,'" is believed to represent the first time in the history of American journalism that a nationally syndicated writer has offered readers detailed information, dating back to infancy, about the frequency and quality of her own bowel movements.

"I've had a lifelong problem maintaining regular bowel habits," Ms. Brody's pathbreaking piece revealed. Her parents, "like many people" of their generation, were badly "misinformed" about gastroenterological science, and wished their daughter to evacuate her lower intestine "on a predictable daily basis." Ms. Brody, however, vigorously rebelled against this pressure—in a classic overreaction pattern once familiar to psychiatrists as the so-called Retentive Personality. And by the time she reached college, "things got so bad" that Ms. Brody routinely "suffered from bloating and cramps after days of no eliminations." It was only after an "astute physician" at the campus health clinic prescribed "bowel-stimulating fiber" and advised her to "establish a time each day to use the bathroom" that Ms. Brody was able "to form soft, bulky stools that are easy to pass."

Exercise, too, she found, can help counteract "poor muscle action in the colon." But enemas, Ms. Brody cautioned, "are a last resort and should be used only occasionally."

Ms. Brody's status as the first *Times* feature writer called upon to fully divulge her excretory history is thought to be largely arbitrary. The paper appears simply to be proceeding through its ranks in alphabetical order, which would make the putatively "regular" columnists David Brooks and Maureen Dowd next in line. ♦

Gore TV

On August 1, former vice president and college journalism professor Al Gore—having ditched his wild-eyed, bearded, Bush-bashing man-of-the-mountains look for a clean-shaven face and a closet full of all-black suits—launched his 24-hour cable TV network, Current, from an office building in San Francisco.

The network reaches only some 20 million households; the bulk of them—14.5 million, to be exact—subscribe to DirectTV, the satellite cable network. How many will tune in is an open question—one of many unanswered questions about Gore's new venture.

"Is this a news network?" asks one of the "Frequently Asked Questions" on the channel's website. The answer: "Not exactly." Instead Current is "nonfiction." It's "the first national network created by, for, and with an 18-34 year-old audience." It's "the TV equivalent of an iPod shuffle." It's "something new: journalistic and relevant, but unencumbered by old conventions." Like being watchable?

All joking aside, THE SCRAPBOOK shouldn't jump to conclusions. Truth is, we haven't seen Current. It's not that we didn't try to. It's just that the channel isn't distributed by any local cable provider here in Washington, and there's no bar with a satellite hookup in walking distance that's quiet enough to hear the TV, and . . . well . . . you get the idea.

Besides, after reading all the press clippings, we kinda already feel like we've watched it. As the first cable channel for the Ritalin generation, Current breaks up its programming into hundreds of five to ten minute "pods," which recycle endlessly throughout the day. Every so often, a host tells viewers what people are searching for on the Internet. This segment is called Google Current. You will learn, for example, "Canada's Top Searches of 2004," the "Top 10 Disease Searches," and so forth. Hosts include a former contestant on Donny Osmond's *Pyramid* gameshow, a former castmember of MTV's *Real World: Hawaii*, a walk-on from *Austin Powers: Goldmember*, two recent graduates of the University of Miami, and the former host of the TV reality series *Love Cruise*.

In a fit of pique, or simply desperate to give him something to do, the editors of *Broadcasting & Cable* magazine had summer intern Rob Biederman watch Current's first day on the air and provide play-by-play commentary on the magazine's blog. Here's an excerpt:

> 2:30 pm: A jazzed-up version of Louis Armstrong's "What a Wonderful World" accompanies a stream of hip graphics introducing . . .
> 2:30 pm: . . . Google Current! But the world is unwonderful when a graphic reads:
> Top Education Searches
> #1. Education
> 2:33 pm: Repeat of real estate segment from earlier. What's going on here?

Good question. ♦

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Scrapbook

Barely Aloft

Full details having yet to be revealed, THE SCRAPBOOK has decided to withhold all comment on an emerging scandal involving massive financial improprieties at the Al Franken-headlined liberal talk-radio network Air America. Really, we mean it. That spring 2004 scheme by which the network's then-top executive appears to have diverted nearly $900,000 in New York City-funded social service grants from a Bronx-based charity to Air America's own desperately underfunded bank accounts? Mum's the word.

Meantime, though, we figure there's nothing wrong with noting the latest listenership data from Arbitron. "Now that it's possible to compare ratings for this spring to last year's start-up," the *Philadelphia Inquirer*'s Beth Gillin reports, "it's clear that [Air America] has yet to climb out of the cellar." In particular, Franken's decision to schedule his show in direct competition with conservative talk-radio superstar Rush Limbaugh "was not such a good idea," it turns out. "Limbaugh . . . has squashed Franken like a bug."

At its flagship station in New York, Air America's audience is down 14 percent. In Philadelphia, moreover, Arbitron reports that the network has "fallen off the charts . . . meaning there were too few listeners to measure during the second quarter of this year." ♦

In Memoriam

"Who am I? Why am I here?" For uttering such a peculiarly cosmological remark during a nationally televised debate in 1992, then-vice presidential candidate James Bond Stockdale got himself roundly mocked; "good question" was the more or less standard joke. That the joke wasn't actually funny—that its object was a Medal of Honor winner who'd flown more than 100 Naval air missions over Vietnam and then survived a legendary seven years of torture in a Hanoi POW dungeon—seemed not to matter at the time. Even, and especially, and characteristically, to Admiral Stockdale himself, who may have been one of the greatest military heroes in American history, but who thought of himself instead, first and foremost, as a philosopher. Other people's laughter meant nothing to him. He knew perfectly well who he was and why he was here.

As the seniormost U.S. officer at Hanoi's infamous Hoa Lo prison, his Medal of Honor citation reminds us, Stockdale was specially "singled out for interrogation and attendant torture." Nevertheless, "Stockdale resolved to make himself a symbol of resistance regardless of personal sacrifice," and he "deliberately inflicted a near-mortal wound to his person in order to convince his captors of his willingness to give up his life rather than capitulate," and to prevent them from photographing him for propaganda purposes.

"In politics the Stoic would love his country and hold himself ready to die at any time to avert *its* disgrace or *his own*," Stockdale would later explain. "But a man's conscience was to be higher than *any* law. A man has a right to be responsible, self-ruling, autonomous."

James Bond Stockdale, a great, brave man to the very end, passed away at the age of 81 on July 5, 2005. ♦

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Casual

No Hall, No Way

When I was a kid growing up in Dallas, our summer evenings were punctuated with electronic pops and screeches from my dad's bedroom radio, as he struggled to tune in the St. Louis Cardinals baseball games from St. Louis mega-station KMOX. We were serious Cardinals fans.

The whole family—Dad, Mom, brothers, uncles, aunts, and cousins—was from St. Looie. And best of all, the Cardinals' manager was one of my father's oldest friends. On trips back to St. Louis, not only would we go to games, but I'd get a chance to go into the clubhouse beforehand, get autographs if I was brave enough, or more likely just stare at Stan "The Man" Musial, the greatest Cardinal of all time. I bled red and hated that virtually every national "game of the week" was a New York Yankees game.

I couldn't have cared less that Houston had gotten one of the first expansion teams. A Dallas kid, I just thought Houston was a backwater, disgusting muck of a city with a miserable team to match. No, my playground arguments were about real teams, current and past. And I could sling stats with the best of them.

Yeah, sure, DiMaggio was a great player. But, hey, Musial had more hits, hit more home runs and doubles, drove in more runs, and had a higher lifetime batting average than Mr. Coffee. Sure, Musial played more seasons, but then again, he hadn't gone off half-cocked and married Marilyn Monroe either.

But that's always been one of the great things about baseball. More than any other major American sport, it invites friends, sons, fathers, and grandfathers to debate such lofty questions as: Who is the best clutch hitter of all time? Which pitcher has been the most dominant for a five-year period? What infield is the best ever? On and on. All made possible by the fact that, with the exception of the "dead ball era" at the turn of the 20th century when players used a softer ball, the game has hardly changed. You could argue that Lou Gehrig in the '20s and '30s and Eddie Murray in the '70s and '80s were playing essentially the same game. Until the '90s, that is, when steroid use took off and the game's most sacred statistics for offensive production took a massive beating.

Leadoff hitters like Brady Anderson were now hitting 50 homers; little runts like Lenny Dykstra all of a sudden were powering up; and the true power hitters, like Mark McGwire, were crushing the ball in unprecedented ways. Ruth's record of 60 homers in a season was set in 1927; Roger Maris didn't break that mark until 1961. Then, in the short span from 1998 to 2001, McGwire hit 70, Sosa over 60 three times, and Barry Bonds 73 in 2001. It's clear now, from federal investigations, trials, statements, and drug test results, the ball wasn't juiced, but the players were.

The most recent revelation, that Rafael Palmeiro of the Baltimore Orioles tested positive for the use of the anabolic steroid stanozolol, only confirms what everyone in baseball has known for years: Take a good, high-average hitter like Palmeiro, add steroids or human growth hormones, and, *voilà*, you get 500-plus career home runs and 3,000-plus hits. No wonder Ryne Sandberg, the great Cubs second baseman of the '80s and recent inductee in the baseball Hall of Fame, was so scathing in his remarks at his induction about players' cheating through the use of drugs. When he left the game, there was no question about his preeminence as one of the two or three greatest at his position. But set his numbers against the inflated figures from the '90s and they look downright paltry.

Since baseball only got around to banning steroid use in 2002, it's impossible to know who was doing what and for how long. Hence, it's impossible to restore the integrity of the game's numbers or even add asterisks to some of the records that were set.

However, there is one thing that can be done: Ban the biggest names—McGwire, Palmeiro, Sosa, and Bonds—from the Hall of Fame. As the rules of election to the Hall make clear, the sportswriters who are voting are to take into consideration a player's record and ability, but also his "integrity, sportsmanship, [and] character." Since each of them has either been caught or virtually admitted using illegal substances, there is sufficient ground for keeping them out.

No, it won't restore what's been lost. And it's too bad for someone like Bonds, who might have made it into the Hall without steroids. But, the fact is, Bonds did cheat, and the only thing baseball can and should do is deny him and the others the ultimate prize—membership in the Hall.

Besides, it might allow guys like me to get back to the vital business of lecturing our own kids on just how great the Frank Robinsons and Bob Gibsons of our day were.

Gary Schmitt

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I'M FREE, FREELANCING

I READ WITH INTEREST Charlotte Allen's "Freelance Writers of the World, Unite!" (Aug. 1). As an attorney representing a group objecting to the settlement, I thought that generally she thoroughly reviewed the major points, but there is an aspect of the settlement she missed.

An author or the copyright owner owns the copyright, which is property, whether it is registered or not. As Allen correctly notes, most class members will not file claims. Those that do file a claim are given the choice to deny the right to future use of their works by the databases. They get more money if they permit it.

The notice to class members does not reveal another very troubling provision, though. Those who do not file claims must still affirmatively act to deny future use of their works, or they give the databases licenses in perpetuity to the work. While the notice and the settlement website provide forms for making claims, or even opting out, there is no form for a class member to say, "I'm not making a claim, but you don't have the right to continue infringing my work." In other words, the settlement gives away class members' property but does it by stealth.

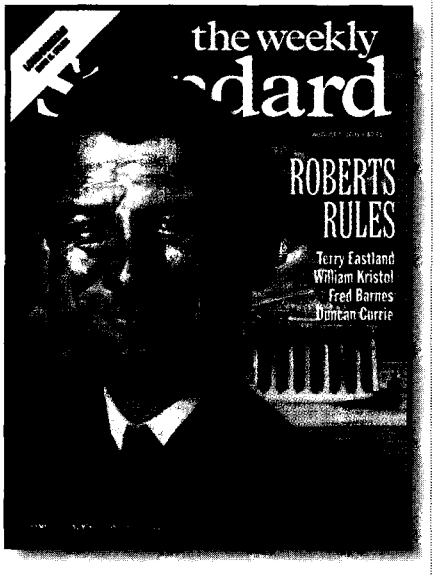
Neither the notice nor the website mentions this. To my knowledge, and I toil in the field of class action abuse, this is an unheard of use of a class action settlement. It is fine if a class member is willing to pass on the compensation, but imagine that we must all now carefully read every class action notice, or go and read the settlement document itself (usually 35 to 50 pages of dense legalese), to find out if the settlement will take some of our property away from us.

And of course we know that not everyone will get his notice, or get it in time to act. Some authors are dead, sick, or aged, and their copyrights are now, or will soon be, in an estate, or owned by their heirs. (Copyrights last for the life of the author and 70 years.) The issue here is the principle involved. Most of us don't like others giving away rights to our property, especially without even telling us.

CHARLES D. CHALMERS
Mill Valley, CA

AS A MANAGING PARTNER of one of the law firms representing the plaintiffs in the *Literary Works in Electronic Databases Copyright Litigation* class action, I read Charlotte Allen's "Freelance Writers of the World, Unite!" closely. For those of your readers who care to season their lawyer-bashing with a dose of facts, allow me to share the following:

Allen accuses the lawyers of "cherry-picking" an easy case by filing when the Supreme Court was about to affirm the Second Circuit's decision in *Tasini* v. *New York Times*. In fact, the cases were filed before the Supreme Court even granted *certiorari*, at a time when publishers were claiming a perfect right to hand over the works of their freelance contributors to online databases. Lacking the benefit of



20/20 hindsight, none of us felt we had an easy win at the time.

Allen claims the lawyers stand to make out like bandits, with a potential fee award of $3.825 million and $500,000 in costs if the settlement is approved. Anyone who has given the court filings even a passing glance would know that the value of the time spent developing the case and negotiating a settlement over several years with dozens of corporate lawyers is greater than the fee we stand to receive if the settlement is approved. None of us have been paid a nickel since the case was filed five years ago. The $500,000 in costs we are seeking will simply repay (without interest) the money we advanced to litigate the case.

Allen sneers at her $400 recovery in relation to the $4 million the lawyers stand to receive if the settlement is approved, as if the entire proceeding had resulted in a modest payment to her and a multimillion-dollar payment to a group of lawyers. This is a cheap shot, of course, since the class stands to recover between $10 million and $18 million in cash, and the compensation paid to the lawyers is relatively modest in relation to the overall recovery. Is it not obvious that in a class action involving tens of thousands of people, the recovery of any individual will be small in relation to the money paid to the lawyers?

Allen expresses "unease" and "foreboding" at the thought that the class representatives include lefty authors. The class representatives are not required or expected to share Allen's worldview, however. If Allen finds the association with E.L. Doctorow so repugnant, she could exclude herself from the lawsuit, an option she fails to mention.

Allen suggests that freelancers will have to rummage through "decades-old boxes of clippings" to make a claim. Again, she has the facts wrong. To save the claimants the trouble of scrounging for clippings, the plaintiff's lawyers insisted on a streamlined, online claims process, with the settlement administrator searching the relevant databases electronically.

Satisfied with having her own works distributed electronically without permission or payment, Allen apparently believes other freelance writers should (or must) take the same view. That Allen welcomes publication of her work on electronic databases does not mean that other freelancers are wrong to assert their right to compensation for infringement, however. Our legal system should protect all property rights, even rights held by impoverished freelancers. The modest recoveries that holders of unregistered works stand to receive reflect the modest value of those works in the first place, not a dysfunctional legal system. Surely Allen is not espousing the Marxist view that the freelancers should accept an infringement of their property rights to serve the greater good.

I agree with Allen on one point. In retrospect, the case will probably look more like a "historical accident" than

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the shape of things to come. By settling the claims of all affected freelancers, the *Literary Works in Electronic Databases* settlement will put to rest the controversy over compensation for unauthorized electronic use of their works and ensure that these works remain available on online databases.

The world's largest online databases and publishers can take care of themselves. If they want to pay up to $18 million to nail down their right to carry freelancers' works, they probably have a good reason for doing so. The lawyers in this case did what lawyers do—advocate for their clients, ultimately catalyzing changes in legal rights that economists tell us promote efficiency.

Allen froths with contempt for what she portrays as a broken legal system that rewards trivial injuries and overpays lawyers. If anyone is getting rich here, however, it is not these plaintiff's lawyers. And if the legal system is broken, you would not know it from this case.

DANIEL C. GIRARD
Hillsborough, CA

CHARLOTTE ALLEN RESPONDS: I'm delighted to hear from Daniel C. Girard that an electronic serf is now available to relieve writers of the task of rummaging through their old clips in search of database-purloined material.

When I spoke a month ago with Kay Murray, a representative for the plaintiff class and general counsel for the Authors Guild, I joked that I could make more money using my time to write another article. The only solace she was able to offer was what sounded like an online worksheet that would make the task of documenting our claims a bit more bearable. "You could do two items every day," she suggested. If there is now a 'bot that can do the work for us, shouldn't our lawyers have informed us of this fact when they mailed out the notices of the proposed settlement? After all, we plaintiffs now have less than two months to get our proof-of-claim forms filled out and on file.

My point is not, as Girard suggests, that I believe freelancers "should accept an infringement of their property rights to serve the greater good." It is that those rights, valid as they may be (or might have been, since the standard-form contracts have changed), are worthless, practically speaking, to all but a handful of writers, which is why I'm betting that relatively few freelancers will bestir themselves to fill out the documents that might enable them to collect a few hundred bucks apiece. There is an old legal maxim: *De minimis non curat lex*—the law does not concern itself with trifles. A claim for $400 (or far less, if I had to prove as an unregistered copyright-holder that I was actually monetarily harmed) belongs in small-claims court, not under the august and expensive purview of a federal district judge in Manhattan.

I'll leave it to Girard to decide whether anyone at his law firm is "getting rich" from a three-way split (among three firms) of $3.825 million in legal fees in a case whose legal principles had already been decided in his clients' favor by a federal appeals court. I admit to a jaundiced view of class-action litigation, which diverts value from economically productive activity to lawyers and whose settlements often dispense with the traditional courtroom requirement of proof of actual injury. This case strikes me as an egregious example of both problems.

THE FOURTH ESTATE

P.J. O'ROURKE'S POLEMIC against politicians who dispatch reporters to penitentiaries ("Sending Reporters to Jail?" July 18) sounds like peevish, adolescent pique, as do recent announcements by a couple of editors that they have suspended investigative projects to avoid putting their reporters at risk. Proposing immature threats of retaliation serves no constructive purpose in our public dialogue. Investigative reporting can, and should, be pursued ethically and legally.

If the editorial decision favors proceeding in the face of the risks, responsible editors and publishers, and their attorneys, should weigh the consequences. Then, if they do the crime, they should be prepared to serve the time. But spare us the martyr complex!

R.C. ADAMS
Clovis, CA

HITTING A NERVE

IF A FRACTION of the mainstream U.S. media coverage of Iraq showed the same serious, informed, thoughtful, and (not least) beautifully written qualities as Austin Bay's "Nervous in Baghdad" (July 25), the public's understanding of, and patience for, the war would be considerably improved. As it is, given the media's steady diet of knee-jerk negativism coupled with Democratic hysteria, it's remarkable that we've stayed the course even thus far. It has been said before: If the war is to be lost, we will lose it in Washington and New York, not Baghdad.

MATTHEW L. PHILBIN
Fairfax, VA

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the weekly Standard

Bush v. Rumsfeld

Last week in these pages we called attention to the John-Kerry-like attempt of some Bush advisers, led by Defense Secretary Donald Rumsfeld, to abandon the term "war on terror." These advisers had been, as the *New York Times* reported, going out of their way to avoid "formulations using the word 'war.'" The great effort that we had all simplemindedly been calling a war was now dubbed by Rumsfeld the "global struggle against violent extremism." And the solution to this struggle was, according to Richard Myers, chairman of the Joint Chiefs of Staff, speaking here as Rumsfeld's cat's-paw, "more diplomatic, more economic, more political than it is military."

Now, it is of course true enough that the "war on terror" isn't simply a military struggle. What war is? There is a critical political dimension to the war on terror—which the president, above all, has understood.That's why he has placed such emphasis on promoting liberal democracy. But there is also, to say the least, a critical military dimension to this struggle. And President Bush sensed that this Rumsfeldian change in nomenclature was an attempt to duck responsibility for that critical military dimension.

The president would have none of it. This past Monday, announcing John Bolton's recess appointment as U.N. ambassador, the president went out of his way to say that "this post is too important to leave vacant any longer, *especially during a war*." That same day, at a high-level White House meeting, President Bush reportedly commented, with some asperity, that no one had checked with him as to whether he wanted to move beyond the phrase "war on terror." As far as he was concerned, he reminded his staff, we are fighting a war. On Wednesday, speaking in Texas, the president used the word "war" 15 times, and the phrase "war on terror" five. "Make no mistake about it," the president exclaimed, "we are at war. We're at war with an enemy that attacked us on September the 11th, 2001. We're at war against an enemy that, since that day, has continued to kill." And on Thursday, in case his advisers hadn't been paying attention, the president said it one more time: "We're at war."

So we are. And Iraq is, as the president said Wednesday, "the latest battlefield in the war on terror." It is also the central battlefield in that war. And so, the president added, "I hear all the time, 'Well, when are you bringing the troops home?' And my answer to you: 'As soon as possible, but not before the mission is complete.'" As the president said Thursday, "We will stay the course. We will complete the job in Iraq."

Or will we? The president seems determined to complete the job. Is his defense secretary? In addition to trying to abandon the term "war on terror," Rumsfeld and some of his subordinates have spent an awful lot of time in recent weeks talking about withdrawing troops from Iraq—and before the job is complete.

Until a few months ago, Bush administration officials refused to speculate on a timetable for withdrawal from Iraq. They criticized those who did talk about withdrawing, arguing that such talk would encourage the terrorists, discourage our friends, and make it harder to win over waverers who wanted to be assured that we would be there to help. The administration's line was simply that we were going to stay the course in Iraq, do what it takes, and win.

The president still tends to say this. But not Defense Department civilian officials, who have recently been willing to indicate a desire to get out, and sooner rather than later. After all, Rumsfeld has said, insurgencies allegedly take a decade or so to defeat. What's more, our presence gives those darned Iraqi allies of ours excuses not to step up to the plate. So let's get a government elected under the new Iraqi constitution, and accelerate our plans to get the troops home. As Rumsfeld said Thursday, "once Iraq is safely in the hands of the Iraqi people and a government that they elect under a new constitution that they are now fashioning, and which should be completed by August 15, our troops will be able to, as the capability of the Iraqi security forces evolve, pass over responsibility to them and then come home." The key "metric" is finding enough Iraqis to whom we can turn over the responsibility for fighting—not defeating the terrorists.

As *Newsweek* reported last week: "Now the conditions for U.S. withdrawal no longer include a defeated insurgency, Pentagon sources say. The new administration mantra is that the insurgency can be beaten only politically, by the success of Iraq's new government. Indeed, Washington is now less concerned about the insurgents than the unwillingness of Iraq's politicians to make compromises for the sake of national unity. Pentagon planners want to send a spine-stiffening message: the Americans won't be there forever."

But not-so-well-hidden under the pseudo-tough talk of

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"spine-stiffening" is the inescapable whiff of weakness and defeatism. Rumsfeld either doesn't believe we can win, or doesn't think we can maintain political support for staying, or doesn't believe winning is worth the cost. So we're getting out, under cover of talking about how "political progress is necessary to defeat the insurgency."

It's of course true that political progress in Iraq is important. And the political progress is heartening. But political progress is not sufficient to defeat the insurgency. There has been no more impressive example of political progress than the January 30 elections. But the insurgency continues.

Furthermore, how likely is political progress if everyone in Iraq decides we're on our way out? The talk from the Defense Department about withdrawing troops from Iraq is doing damage to our chances of political and military progress. The more we talk about getting out, the more our enemies are emboldened, our friends waver and hedge their bets, and various factions decide they may have to fend for themselves and refuse to commit to a new Iraqi army or government.

The fact is that political progress needs to be accompanied by an effective military counterinsurgency. And no matter how good a job we are now doing in training Iraqi troops, it is inconceivable that they will be ready to take over the bulk of the counterinsurgency efforts in the very near future. Further, if an Iraqi troop buildup is accompanied by an American force drawdown—as unfortunately even the president suggested Thursday ("As Iraq stands up, our coalition will stand down")—then we will be able at best to maintain an unacceptable status quo. More likely, since Iraqi troops won't be as capable as American ones, the situation will deteriorate. Then the insurgency could become a full-fledged guerrilla war, inviting a civil war—and we would be faced with a choice between complete and ignominious withdrawal or a recommitment of troops.

The only responsible course is to plan on present troop levels for the foreseeable future *and* to build up Iraqi troops, so as to have enough total forces to win—to provide security, take the fight to the enemy, reduce infiltration on the borders, and so forth. What the president needs to do now is tell the Pentagon to stop talking about (and planning for) withdrawal, and make sure they are planning for victory.

The president knows we have to win this war. If some of his subordinates are trying to find ways to escape from it, he needs to assert control over them, overrule them, or replace them. Having corrected the silly effort by some of his advisers to say the war on terror is not fundamentally a war, he now has to deal with the more serious effort, emanating primarily from the civilian leadership in the Pentagon, to find an excuse not to pursue victory in Iraq. For if Iraq is the central front in the war on terror, we need to win there. And to win, the president needs a defense secretary who is willing to fight, and able to win.

—*William Kristol*

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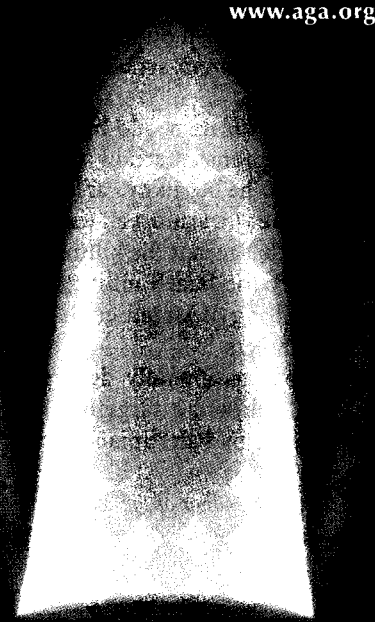

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Sanctuary No More

It's no longer springtime for jihadis in Britain.

BY GERARD BAKER

IT WAS ALWAYS A CHEAP SHOT to accuse the leaders of the antiwar crowd in Britain of working hand-in-glove with the terrorists. True, some of them in recent weeks have sounded remarkably like apologists for al Qaeda, with their talk of "understanding" Islamic rage about Iraq or Israel, and their calls for Tony Blair to be held responsible for the bombings of July 7 and the near-misses of July 21.

But the idea that they were actively giving succor to terrorists and doing the fanatics' job was a bit harsh. Misguided, certainly. Naive, possibly. Fifth columnists, probably not.

Last week we got firm proof that there is no coalition between the jihadis and those who generously seek to understand them in the U.K. They really aren't on the same page at all.

On Thursday, one of the principal figures in the antiwar movement, Ken Livingstone, the mayor of London, trotted out quite succinctly the familiar analysis of the anti-Blair, anti-Bush section of British opinion since the attacks of 7/7 in an article in the *Guardian*.

Now Ken's a fair man, and his first task was to demonstrate how even-handed he is, so he began by carefully insisting that he was against all terrorism; and yes, that meant the killing of Palestinians by the Israeli military as well as the killing of Israeli civilians by suicide bombers.

Having compassionately deigned to treat the deliberate targeting of innocent Israelis by Palestinian fanatics as morally indistinguishable from the military efforts of the democratic Israeli government to eliminate terrorists, Hizzoner got on to his main argument. If Britain was to avoid further bloodshed it needed to pull its troops out of Iraq—immediately.

But no sooner had London's mayor delivered himself of this utterance, than another, somewhat more authoritative source on what the Islamists were really trying to achieve in London trumped him.

Later on Thursday, Ayman al-Zawahiri, al Qaeda's deputy leader, issued a finger-wagging lecture, courtesy of Al Jazeera, to the British people, about the evils of British foreign policy.

Zawahiri started promisingly enough, endorsing the views of the London metropolitan elite that Blair was responsible for the bombings, and, like Livingstone, insisting that more would follow unless Britain changed course. But then he veered badly off-script for the "None of this would have happened if Blair hadn't invaded Iraq" brigade.

Withdrawal from Iraq wasn't going to be nearly enough to turn off the spigot of suicide bombings, al Zawahiri said. Instead that would only happen when Britain left all "the land of Mohammed." And for good measure the British and the Americans should stop "stealing our oil and our resources."

Roughly translated, this meant: Leave us free to do exactly what we want from Jerusalem to Jakarta, submit to all our demands, stop driving cars, and we might, just might, agree to stop blowing you into oblivion as you go about your everyday business.

Now, in fairness, it should be noted that there are some in Britain who are happy to comply with al Qaeda's demands for unconditional surrender to their every last wish.

George Galloway, the antiwar "Respect" member of parliament for London's East End, certainly seems to think this prescription for British foreign policy is dead right. He was all over the land of Mohammed last week expressing moist solidarity with the Zawahiris and the Zarqawis. While visiting friendly Syria, he told Muslims, via Al Jazeera, that their two beautiful daughters, Jerusalem and Baghdad, were being "raped" by foreigners. And he had high praise for the "resistance" in Iraq, the people who have been killing innocent Iraqis as well as American and British servicemen: "These poor Iraqis . . . are writing the names of their cities and towns in the stars, with 145 military operations every day."

I used to think Galloway and his ilk should be incarcerated for such self-evidently treasonous acts (in fact the death penalty, contrary to popular belief, is still available in Britain for the crime of high treason, though we wouldn't want to create more "martyrs"). But events in Britain have led me to revise that view. Instead I am now certain that the more those like Livingstone and Galloway are allowed to vent their poison, the more damage they do to the very cause they espouse.

Though the appeasers are still fighting hard, it is increasingly evident that Britain is not in a mood to follow the Livingstone-Galloway-Zarqawi strategy to peace and justice. Instead, it seems the country is slowly, steadily shifting to a war footing.

On Friday, Tony Blair announced his boldest initiative yet since the terrorist attacks in London—proposals for a string of draconian new laws to be put to parliament. Under the proposals, Britain would be free to deport any foreigner who frequents a list of extremist centers and jihadi websites—with the suspects denied any appeal to be heard in

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Britain. Justifying or glorifying terrorism would become an offense. Anyone with any connection to terrorism would be automatically denied asylum. The police would be given the opportunity to hold terror suspects for weeks before pressing charges. And a list of extremist Islamic clerics would be drawn up who would be excluded from the United Kingdom permanently.

This is startling new ground in the country that invented habeas corpus and which, rightly, treasures the freedoms of its people. There will be a struggle. Blair will have to take on some in his own party, the Liberal Democrats in the opposition (though not it seems, thankfully, the Conservatives), and perhaps most threateningly, the rest of Europe—much of what he proposes may contravene rulings of the European Court of Human Rights. But Blair made clear last week his determination to see the proposals enacted—and suggested he might recall parliament early from its summer recess to speed the process.

The British government is beginning to grasp, belatedly and reluctantly, that tolerance of those who would destroy it is suicidal. The latest proposals demonstrate to the public as much as to outsiders the reality of a nation at war, with all the painful compromises with authoritarian measures that involves.

The dreadful irony of Britain's status as a liberal haven in which terrorists are protected by the very society which they seek to destroy was well illustrated when Ramzi Mohammed, one of the failed bombers in the July 21 attacks, was finally arrested.

As police moved towards him, this jihadi who, one imagines, is just itching to get Britain's fuddy-duddy old liberal laws replaced by the sturdier prescriptions of *sharia*, shouted: "I have rights! I have rights!"

If Blair gets his way, the next time some would-be terrorist invokes the Magna Carta in this way, the arresting officer will be able to say: "Oh no you don't, sonny." ♦

Goldilocks Economy

The bad news is the good news isn't being heard.

BY IRWIN M. STELZER

THERE ARE TIMES when the president can convert his famed inarticulateness into a charming trait. But more often, the inability to explain and defend his policies causes serious political damage. Somehow, for instance, all the president's men have managed to snatch defeat from the jaws of victory in the debate over the state of the U.S. economy.

Because the administration seems unable to sell genuine triumphs as triumphs, it is forced to claim credit for recent congressional outpourings, and argue that they represent economic progress. In a desperate and wholly unnecessary search for victories, the White House claimed paternity of the energy and highway bills. The energy bill ($12-$66 billion over the next decade, depending on the cost of mandates) will subsidize energy producers of every sort, including oil producers rolling in profits from $60 oil and corn growers whose ethanol will cost drivers another 10 cents per gallon, while at the same time cutting benefits to the car companies that have pioneered gasoline-saving hybrid cars. Democratic congressman Ed Markey, no wild-eyed advocate of free markets, still summed it up best: "Right now, Adam Smith is spinning in his grave so fast that he would qualify for a subsidy in this bill as an energy source. That is how bad this bill is."

And the highway bill ($286 billion over six years, up 31 percent from the last highway bill) makes the energy bill seem like chump change. It contains so much pork, including many hundreds of millions for everything from bike paths to bridges-to-nowhere in South Carolina and to no one in Alaska (both states homes to key committee members), that only a president who feels his economic record needs shoring up would consider signing it. It is, after all, $28 billion above the president's veto limit of last year, a difference that only Washington politicians such as House speaker Dennis Hastert would dare precede with the adjective "only."

The pity of all this is that the administration would not have to claim these legislative travesties as its own, or as victories, if it had the skills needed to explain to voters that it has been a fine steward of their economic interests, these legislative extravagances notwithstanding. For we are living in an economy that is about as good as it gets.

"Goldilocks" is the adjective now most often being applied to the economy—not too hot, not too cold. "Boom" is a better descriptive, say many of my business friends. Last year the economy grew at an annual rate of 4.2 percent, the fastest in five years. Preliminary estimates are that the economy grew at a rate of 3.4 percent in the past quarter, and that figure will almost certainly be revised upward. That was the ninth straight quarter in which the economy has grown at an annual rate of more than 3 percent, and compares with a 2.1 percent rate, and falling, in the last quarter of the Clinton administration. Even the formerly woebegone manufacturing sector is growing. And with consumer spending so high that inventories have been depleted, business investment on the rise, profits exceeding expectations, and the housing market going from record to record, economists are scrambling to

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raise their projections for economic growth in the second half of this year and early 2006.

When Bill Clinton left office almost 138 million Americans were at work; this June, that figure stood at close to 142 million. Real compensation—wages plus benefits—was growing at an annual rate of 2.8 percent when Bush was settling into the White House; it grew at a significantly faster 3.9 percent rate in the first quarter of this year, the latest period for which such data are available. In the past year, the economy has added 2.4 million jobs, 207,000 in July alone.

There's more, and in my view very significant, data that we should look to when thinking about how Americans live. Almost eight million privately owned housing units have been completed since President Bush took office. Of these, over six million were single-family homes. Home sales are at record levels, as are prices.

Add to all these indicators of rapid growth the happy fact that—thanks to rapid increases in productivity and some skillful monetary management by Alan Greenspan and his Fed colleagues—inflation remains low by historical standards.

This is not to say that there are not data that can be cited to support a gloomier outlook. There are. That's what makes economic tea-reading difficult. But, as a lawyer might say, we have to look to the weight of all the evidence. And when we do that, it is difficult to make a case that the Bush administration has mismanaged the economy.

Nor is it to say that the Bush record is without its blemishes. The 5.0 percent unemployment rate, although low by historical standards, is still above the 4.2 percent rate that he inherited. The fiscal situation, with expenditures outrunning rising tax receipts, is hardly one of which a conservative president, his veto pen gathering dust in its holster, should be proud, especially at this stage in the business cycle, when a bit of a surplus might be in order. To an unreformed and underfunded Medicare program the president has added a wildly expensive prescription drug program. Tax reform suffers from lack of attention, as the president squanders political capital on "reforming" Social Security, the one feature of the welfare state that has met its goal of softening the strain of retirement for the non-rich and, in the process, rounded the sharpest features of meritocratic, market-based capitalism.

Still, taken as a whole, the Bush record is certainly worthy of a trumpeting or two, and by someone more in the class of the legendary Harry James than of some of the second-string players that the president has sent to inform his audience. As an intro, the trumpeter might point out that the president was dealt a poor hand: His economic inheritance—on the national as opposed to the personal level—left something to be desired.

Bill Clinton left him a weakening economy; the dot-com bubble burst; 15 Saudis and four friends, believing America to be the "weak horse" in the international race, decided to bring down the World Trade Center; a string of scandals, hatched before Bush took office, weakened confidence in corporate America; our European trading partners decided to will themselves into recession with an odd combination of fiscal and monetary policies grafted onto rigid labor and product markets; and, later, $60 oil made its appearance. Not the best of hands.

But Bush played it very well indeed. With the help of Larry Lindsey, he fashioned and pushed through a shrewd tax-cutting program that was part neo-Keynesian political catnip ($500 checks for consumers) and part supply-side relief that stimulated business investment. More important, he established a tone that combined Reaganesque sunny optimism with pro-business actions such as class-action and bankruptcy law reform to provide further encouragement to a level of risk-taking and entrepreneurial activity that is the envy of the world.

Spend much time in Europe and you find that the loud anti-Americanism that is the stock in trade of Jacques Chirac and Gerhard Schröder (both their economies suffering from unemployment rates approaching double digits) merely covers the quieter inquiries of their officials and likely successors about how best to emulate American economic performance. The American job-creation machine, its productivity growth, the profitability of its companies, and the amazing flexibility that sees one million job separations (firings plus quits) and even more new hires every week—these things count with serious policymakers who are concerned more about Europe's future than the rabid anti-Bushism of their bosses.

All of which means that the Democrats are the lucky party: They oppose winners who don't know how to claim victory. Nor is the press going to do the administration's job for it. The *New York Times* grudgingly headlined its story on the release of data showing above-trend growth, rising final demand, and inventories so low that activity is bound to increase even more: "Suggestions Of Strength In Economy."

But the White House can't really blame its inability to get its message across on the media. First, the president started his campaign for Social Security reform with a "crisis" message that implied a bleak economic future for Americans. Second, Bush has failed to make the case that should be easy to make: The economy is on a roll, workers are gaining ground, shareholders are doing just fine, and there are even better times ahead—"sustained economic growth," to borrow a phrase from the Fed chairman.

Sure, it might be, as the president's critics contend, that we are in for trouble down the road.

* Rising interest rates might stifle demand for houses—but so far even Greenspan's increases in short-term rates have not produced a sufficient rise in mortgage rates to do harm to a market that is more solid than the "bubble" blowers imagine.

* The persistent trade deficit might cause a run on the dollar—but

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so far the downward drift of the greenback shows no sign of accelerating as Asian and other investors continue to find America a good place to put their excess savings.

* The high price of oil might slow economic activity—but so far consumers and businesses seem to be adjusting to $60 oil, not without pain and grumbling, but without a recession.

* The fiscal deficit might trigger inflation—but so far the deficit is headed down and is at an unthreatening ratio to GDP.

* The over-indebted consumer might retreat from the malls, triggering a recession—but the $2.9 trillion in debt that households have taken on since the end of the mild recession is more than offset by the $10.6 trillion increase in assets owned, and the cost of carrying the debt as a percent of after-tax income is no higher than it was two years ago.

In short, if we are headed for apocalypse, it seems to be an apocalypse later, much later, rather than an apocalypse now. But don't judge the likelihood of a collapse by what you read in the papers. Remember the 2001 recession? Well, it turns out that revised data show that it never happened: We did not experience the two consecutive quarters of decline that define "recession."

Perhaps there is hope. The appointment of the distinguished Ben Bernanke to chair the President's Council of Economic Advisers, and the addition of two academics, Katherine Baicker and Matthew Slaughter, both of Dartmouth, might allow that neglected organization to regain a seat at the policy table, especially if Bernanke is, in essence, being auditioned to see if he has the right stuff needed to succeed Greenspan. And the beefing up of the Treasury team, now that the Senate has ended its block on several presidential appointments, might give Secretary John Snow the professional and intellectual support he clearly needs.

Now, if the president can just find some way of arranging another term for Alan Greenspan . . . ♦

Men Without a Country

What to do with the Uighurs in Guantanamo.

BY ELLEN BORK

LAST MONDAY the prospects for two men detained at Guantanamo Bay grew somewhat brighter. In a Washington, D.C., courtroom, a lawyer for Abu Bakker Qassim and A'del Abdu Al-Hakim made a persuasive case that the government no longer has legal justification to detain the men because they had been declared "non-enemy combatants" by Defense Department tribunals. A Justice Department lawyer acknowledged that the only thing standing between the two men and freedom was finding a "suitable country" to take them in.

The problem is that Qassim and Al-Hakim cannot go home. They are Uighurs, a persecuted Turkic Muslim minority concentrated in China's far northwest province of Xinjiang, or, as the Uighurs call it, East Turkestan. Their cases illustrate both the flaws of U.S. detention policy in the war on terrorism and the efforts of the administration finally to sort out those who need to be detained from those unfairly caught up in the post-9/11 dragnet.

The Uighurs live in an area that Beijing considers strategically important, bordering on Central Asia, Afghanistan, and Kashmir. Beijing has devoted considerable resources to settling Xinjiang with ethnic Han Chinese and developing it economically, including infrastructure projects designed to extend settlement deep into the Uighur heartland in the south. Religious persecution, already serious before 9/11, has intensified, as China has used the war on terror to justify an even harsher crackdown on Islamic practice and Uighur culture and education.

Under these circumstances, and to its credit, the Bush administration refuses to return the Uighurs. Their mere association, however mistaken, with Guantanamo—and their statements about China while in custody—would put them in grave jeopardy. At the same time, it appears that the government has known for quite some time that many if not all of the approximately two dozen Uighurs at Guantanamo constitute no threat to the United States and its allies in the war on terrorism. At a March briefing marking the completion of tribunals for all of Guantanamo's detainees, Navy Secretary Gordon England said, "We have Uighurs from China that we have not returned to China, even though, you know, some of those have been deemed, even before these hearings, to be non-enemy combatants."

According to their lawyer, Qassim and Al-Hakim, men in their thirties, married and with children, traveled to Iran from Kyrgyzstan, trying to obtain visas to Turkey, which has a substantial Uighur community where they might find work. Al-Hakim told the lawyer that they were seized in Pakistan in late 2001 or early 2002 by Pakistani security forces who had been paid a bounty by Americans.

Their lawyer's statement filed with the court is the only information publicly available about them. The Defense Department instituted Combat Status Review Tribunals last summer, but transcripts of the tribunal proceedings are classified and have not been provided to attorneys for detainees. Some undated, redacted

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transcripts of unidentified detainees have been declassified, however, through a Freedom of Information Act request by the Associated Press. Among these are several that, owing to the references they make to the Chinese government, are clearly from cases of Uighur detainees like Qassim and Al-Hakim.

The tribunal officials were concerned with determining whether the detainees were members of a militant Islamic group and whether they had received weapons training, which some of the Uighurs did. However, a number of Uighurs adamantly reject the notion that they are hostile to the United States or its coalition allies. One transcript relates a story similar to what Qassim and Al-Hakim told their lawyer:

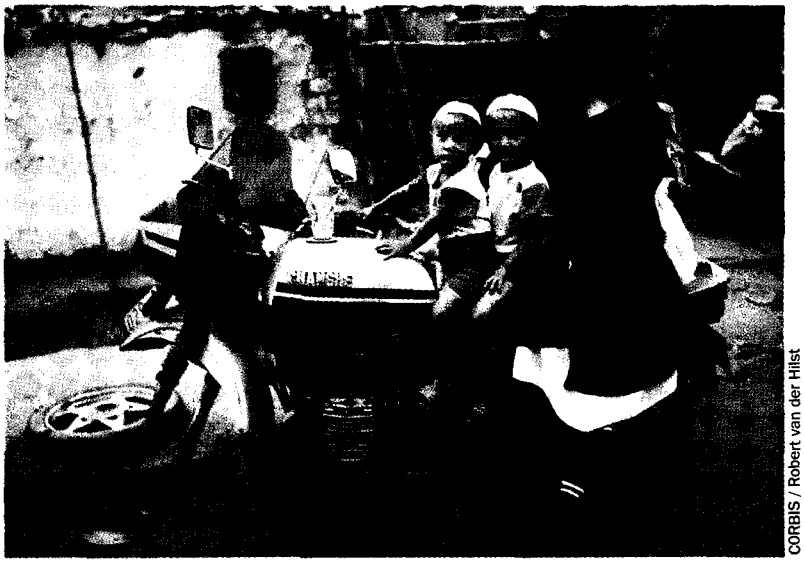
> [M]y goal was to go to Turkey but unfortunately I couldn't get a visa and ended up in Afghanistan. I had no intention to attack or do anything against the United States. I never had those kinds of intentions and I never will. I want you to know that I am a normal businessman. . . . Speaking for myself, if I get out of here, I will say good things about America because they have treated us in here really good.

In another transcript, a different, unidentified detainee insists that Uighurs are not a threat to the United States:

> America never hurt me; why would I join against them? If I wanted military training it would have been to fight the Chinese government. There have never been problems between the Americans and the Uighurs; we support America.

According to the *New York Times*, there are 22 Uighurs at Guantanamo, and as of last November at least half were eligible for release. Washington wants to release the Uighur detainees to countries that will respect their human rights but also make the men available for further questioning if necessary. Norway has declined, and a number of other European countries, including Switzerland and Finland, have also said no, according to press accounts.

There is one obvious, suitable country to take Qassim and Al-Hakim—the United States. Of course, there are two problems to contend with: China would react furiously, and the administration's critics would have a field day.



CORBIS / Robert van der Hilst

A Uighur woman and her two sons in Kashi, China

Beijing would be outraged by a decision that undermines its justification for persecuting the Uighurs. But Washington has for the most part rejected Beijing's use of the war on terror as a pretext for cracking down on Uighurs engaging in peaceful political and unsanctioned religious activities. Nor should the administration fear that releasing Qassim and Al-Hakim on U.S. soil would prompt Beijing to withhold anti-terrorism cooperation. There simply hasn't been enough cooperation to worry about losing it.

Domestic political obstacles to settling Guantanamo detainees in this country are much greater. Considering the administration's claim that Guantanamo houses "the worst of the worst" and its staunch opposition to proposals by Republican senators McCain, Graham, and Warner to raising standards for the detention, trial, and treatment of detainees, settling even a handful of Guantanamo inmates here would be seen by at least some within the administration and among its critics as a devastating concession.

To the contrary, it would reflect credit on the United States for providing due process and haven to two men who were mistakenly taken into U.S. custody and held for more than three years. Some members of the small Uighur community in the United States, which now includes Rebiya Kadeer, an internationally lauded Uighur political prisoner released from Chinese prison in March thanks to the Bush administration's efforts, have expressed willingness to help the men settle and embark on productive lives here.

Justice Department lawyer Terry Henry argued last week that the Bush administration is trying to find countries to take Qassim and Al-Hakim "soon." Questioned by Judge James Robertson, Henry said he meant soon "in the hopeful sense of the word."

Hope is not what is required. The administration should not expect other countries to do something it is not willing to do itself—especially in light of the responsibility it has to these men. Settling Qassim and Al-Hakim, and other noncombatant Uighurs, will take political courage, as well as assurances from the president to the American people that they are welcome arrivals who pose no threat. It's hard to see any better outcome for men now undeservedly behind bars. ♦

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In John Roberts's America . . .

The civil rights laws mean what they say.

BY DUNCAN CURRIE

SENATOR TED KENNEDY charges Supreme Court nominee John Roberts with embracing a "rather cramped view of the Voting Rights Act." The NAACP's Theodore Shaw is "deeply disturbed" by Roberts's record. "Extremely troubling" documents cast him as "a deeply committed ideologue," according to Wade Henderson of the Leadership Conference on Civil Rights. "With every passing day," laments People for the American Way boss Ralph Neas, "it is becoming clearer that John Roberts was one of the key lieutenants in the right-wing assault on civil rights laws and precedents."

So much for the nominee's brief honeymoon. Liberals were sure to raise Cain over abortion, and maybe pick nits on the commerce clause. But when the Bush administration released reams of papers from Roberts's 1981-82 tenure as a special assistant to Attorney General William French Smith and his 1982-86 stint in the White House counsel's office, they found a new angle: civil rights. Politically, the tactic seems shrewd: Paint Roberts—the white, Harvard-educated son of a Bethlehem Steel exec—as insensitive to the historic plight of women and blacks. But Kennedy & Co. are working with pretty thin material.

The brief against Roberts is that he was "anti-civil rights" on four issues: Title IX, affirmative action, busing, and voting rights. Critics have tried to tease out his views from internal Reagan-era memos—a thorny task, since Roberts mostly was promoting the policies of the administration he worked for. That caveat aside, the case against him boils down to this: In memos to his superiors, he opposed an expansive interpretation of Title IX that had no rooting in the original law; he opposed racial preferences; he opposed mandatory busing; and he opposed race-based gerrymandering. Let's take each in turn.

Title IX of the Education Amendments of 1972 was born with a simple purpose: to ban sex discrimination in "any education program or activity receiving Federal financial assistance." Yet a debate soon arose over its limits. If a school benefited indirectly from federal aid—through, say, tuition grants to some of its students—was the entire institution subject to Title IX? Or did the law apply only to the specific program? The Reagan Justice Department concluded the latter. "Under Title IX," Roberts wrote in a 1982 memo to Smith, "federal investigators cannot rummage willy-nilly through institutions, but can only go as far as the federal funds go."

In the landmark 1984 case *Grove City College* v. *Bell*, the Justice Department argued for that interpretation of Title IX. A Supreme Court majority that included Justice Sandra Day O'Connor concurred. The receipt of federal aid by students "does not trigger institution-wide coverage under Title IX," the Court held. To be sure, Congress deemed otherwise. In 1988, it broadened the reach of Title IX—over President Reagan's veto—to stipulate "institutionwide coverage." But in his 1982 memo, Roberts's counsel was in tune with the 1972 legislation as affirmed by the High Court.

On racial matters, Roberts boasts a "liberal" paper trail in the original sense of the term: a robust devotion to equal opportunity and colorblind justice (though at least one position has caused some conservatives concern, about which more later). During the early 1980s, he backed Reagan's "anti-quota principles" and cast a skeptical eye on "the purported need for race-conscious remedies such as busing and affirmative action." Racial set-asides were fatally flawed, Roberts wrote in 1981, because they obliged "the recruiting of inadequately prepared candidates."

"Under our view of the law," he went on, "it is not enough to say that blacks and women have been historically discriminated against as groups and are therefore entitled to special preferences." The Supreme Court agrees. "An amorphous claim that there has been past discrimination in a particular industry cannot justify the use of an unyielding racial quota," it held in *Richmond* v. *J.A. Croson* (1989). Six years later, in *Adarand Constructors* v. *Pena*, the Court insisted on "strict scrutiny" as "the proper standard for analysis of all racial classifications." Writing for the majority, Justice O'Connor stressed that affirmative action programs "must serve a compelling governmental interest, and must be narrowly tailored to further that interest."

If Democrats wish to press Judge Roberts on racial bean-counting, they won't get much succor from public opinion. The same holds for mandatory busing to achieve racial integration in public schools, a policy that has remained, as the historians of race relations Stephan and Abigail Thernstrom write, "profoundly unpopular with the general public." The Justice Department should of course "guard against impermissible discrimination," Roberts counseled Attorney General Smith in a May 1982 memo. But it should eschew "intrusive remedies" such as busing, which had proven

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"so disruptive to the education of our children." He described busing not just as fruitless but as counterproductive. He advised White House counsel Fred Fielding in February 1984, "the evidence [shows that] busing promotes segregation rather than remedying it, by precipitating white flight."

It's hard to see how a rehash of the struggle over busing can tarnish Roberts's chances for confirmation. But what about a fight over the Voting Rights Act? "Now is not the time for a Court to be rolling back the right to vote," Democratic National Committee chairman Howard Dean said in a statement last week, calling the Roberts pick "deeply troubling" in this regard. The questions raised here are a bit murkier. When the Voting Rights Act first passed 40 years ago, its primary purpose was to enfranchise southern blacks and enforce the 15th Amendment. And it did so, with remarkable alacrity. By the early 1970s, blacks in the former Confederacy were registering and voting at record levels.

Peter Steiner

Some white officials in the Deep South resisted this revolution through electoral sleight-of-hand, tinkering with districts and voting procedures. Their efforts to blunt black political power compelled Congress to revamp the Voting Rights Act in 1970, 1975, and 1982. The emphasis soon shifted from protecting the rights of black voters to increasing the number of black officeholders—as Roberts later put it, from "equal opportunity" to "equal results." By the time he joined the attorney general's office, civil rights lobbyists were, in effect, battling for proportional racial representation.

The 1982 debate hinged on just that issue. In Justice Department memoranda, Roberts warned that a House bill to amend the Voting Rights Act would "establish a quota system for electoral politics, a notion we believe is fundamentally inconsistent with democratic principles." He favored an extension of the law, but *not* "a system of proportional representation based on race or minority language status." The law was working, Roberts noted, and "if it isn't broken, don't fix it." But the "fix" was in, as it were, and Congress retooled the Voting Rights Act to bring "results" under the rubric of "discrimination." Looking back, Roberts was vindicated: The 1982 bill did indeed midwife racially gerrymandered districts.

The one item in Roberts's portfolio that has raised some conservative eyebrows is his role in the 2000 case *Rice* v. *Cayetano*. By a vote of 7-2—the two dissenters being Justices John Paul Stevens and Ruth Bader Ginsburg—the Supreme Court struck down a Hawaiian law that restricted voting rights for Office of Hawaiian Affairs trustees to people with "Native Hawaiian" blood. According to the Court, Hawaii's racialist statute clearly violated the 15th Amendment.

Roberts, then in private practice, argued the state's case before the High Court, and later said the ruling "could have been a lot worse." If there is a stain on his civil rights record, it may be this abandonment of colorblindness. But that won't be much help to Senate liberals, most of whom probably agree with his position in *Rice*. ♦

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The Nuclear Option

Time for policymakers to get over the China Syndrome. BY SPENCER ABRAHAM

NOW THAT CONGRESS has passed an energy bill with incentives for the development of more nuclear power, it remains to be seen whether this will lead to robust investment in nuclear energy and a new generation of nuclear plants. Results will depend on the response of some key players, specifically Congress, the investment markets, the environmental community, and the nuclear energy industry itself.

Congress included liability limitations, tax incentives, loan guarantees, and risk insurance in the recent energy bill, and these should help reduce or remove some of the biggest obstacles to new nuclear plants. Congress deserves credit, but its job isn't finished, because no new plants will be built unless there is a clear procedure for disposing of their waste.

When Congress established Nevada's Yucca Mountain as the site for a permanent repository to store America's nuclear waste, it also created a complicated statutory and regulatory framework that has enabled opponents to delay the project through litigation and regulatory manipulation. Hence, a project that was supposed to be completed by the new century is still, at best, years from being finished.

In 2002, the Bush administration and Congress acted decisively and appeared to have the project back on course. But the courts have again derailed the program with a decision that is the least sensible yet. The EPA had established a set of radiation requirements for Yucca Mountain with a time frame of 10,000 years. And the Department of Energy spent billions to determine how to construct such a repository. Then the D.C. Court of Appeals ruled that since it is possible for there to be radiological emissions from nuclear waste for up to 300,000 years, the EPA's 10,000-year standard was insufficient.

The ruling implies the EPA must set 300,000-year standards and that the Energy Department should be prepared to show regulators that such standards can be met. This tortured result, which could mean additional billions of dollars and more years of delay, can be sensibly corrected by Congress without jeopardizing the public safety. So can other ambiguities inherited from previous legislation and other court rulings. Then, the Department of Energy would be able to apply, in a timely fashion, to the Nuclear Regulatory Committee for a final and, it is to be hoped, favorable determination of safety and feasibility.

Will capital markets underwrite new nuclear projects? The outlook is good. Nuclear plants have always enjoyed low operating costs and, given the current price of oil, they are much more competitive than in recent years. Congress's actions, especially its provisions aimed at reducing risk, should enhance the appeal of nuclear investments. Also encouraging is the fact that more financial institutions have been monitoring their investments from a clean energy perspective, emphasizing projects that promise lower carbon and other kinds of emissions.

Utilities will still be hesitant, however, to build new facilities if they expect environmentalists will try to stop them. Familiar charges that nuclear energy poses unacceptable environmental and safety risks and that more nuclear plants in America will somehow contribute to greater worldwide nuclear proliferation have always been effective at slowing or stopping projects.

But before environmentalists embark on this course, they have to decide which they dislike more: global warming or nuclear power. During the energy bill debate the environmental community's two top priorities were establishing a federal carbon limit to address climate change and a renewable energy standard to require America to use solar, biomass, geothermal, and wind energy to provide 10 percent of our power generation by 2020.

Ignored in this advocacy were some relevant facts. Nuclear energy already provides 21 percent of our power supply without any carbon emissions. However, because we haven't built a new nuclear plant since the 1970s and electricity demand continues to swell, that percentage will be down to about 15 percent by 2020. So, even if we increase the share of renewables from its current 2.2 percent to 10 percent by 2020 (and that's a heavy lift), almost all of that reduction in carbon emissions will be offset by the reduced role nuclear power will play. In fact carbon emissions will increase, since the combined nuclear and renewables contribution of 25 percent in 2020 will have to be measured against a much larger total power generation level. Without any new nuclear facilities, the carbon emissions from oil-, gas-, and coal-powered generation will be almost a third higher by 2020.

Moreover, given the life expectancy of most of today's nuclear units, plants will begin

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closing around 2022, after which the nuclear share of our power supply will decline more sharply. By 2055 the percentage will be zero, as the last American plant goes off line. Therefore, unless renewables have swollen to 24 percent by that date (a very heavy lift), the failure to build more nuclear power plants will mean even more reliance on carbon-based power in both actual and percentage terms later in the century.

In short, antinuclear environmentalists must rethink their position because without nuclear power it's unlikely any major country will achieve significant reductions in emissions, such as those called for by the Kyoto protocol.

The final question, then, is whether the nuclear industry is itself prepared to take a bullish approach if the foregoing developments transpire. With justification, the nuclear industry has been very cautious about new plants for years, content to focus on keeping existing facilities in operation for as long as possible. But the time has come for engagement, especially if Congress acts to address the waste issue.

The industry has an important story to tell. Nuclear power is not only the best available means to reduce emissions, it is also the best way to curb America's dependence on imported energy. Also to be touted is the industry's exceptional safety record over the past 25 years. And the new generation of reactors (ones developed since 1979 but not yet built in the United States) are even safer than those in operation today.

It is a propitious time for the nuclear industry. In addition to the new energy bill, the current administration favors nuclear power, and the public is eager to seize upon innovations that will allow us to reduce emissions and gain greater energy independence. This is not a moment to let slip by. ◆

Bordering on a Policy

Is there an agreement in the works on immigration? BY TAMAR JACOBY

SENATORS JOHN MCCAIN and Jon Kyl, both Arizona Republicans, have an unstated agreement not to criticize each other in public. But now each has introduced legislation to reform the immigration system. The two bills are competing head to head. And when the two men appeared together last month at a Senate hearing, McCain could not resist.

It "borders on fantasy," he said scathingly, to expect the estimated 11 million illegal immigrants in the United States to sign up for a guest worker program that would compel them to leave the country, as the bill introduced in July by Senators Kyl and John Cornyn would require. "'Report to deport,'" McCain went on, using dismissive slang for the Cornyn-Kyl provision, "is not a reality and it isn't workable."

By the standards of the Senate, it was a blunt, angry exchange, and there will surely be more like it in the months to come as Congress wrestles with these two proposals on one of the most controversial issues facing the nation. Still, despite the fireworks—and even with politicians as diverse as President Bush, House Speaker Dennis Hastert, and Senators Kyl, Cornyn, McCain, and Edward Kennedy weighing in—there is much more consensus on immigration than is generally recognized.

We're not quite at the point yet where, as is said about the Israeli-Palestinian problem, "everyone knows what the solution is—the only difficulty is getting there." But there is increasing agreement about the contours of the problem and even about critical elements of the solution.

The emerging consensus starts with a shared grasp not just that the system is broken, but also why its breakdown is unacceptable to Americans: because of what it means for the rule of law and for our national security.

Gone are the days when one side in the debate was concerned about immigrants and the other about angry native-born voters—when one side wanted expansive annual quotas and the other wanted tighter control over the system. Today, reformers as different as Kyl and Kennedy (cosponsor of the McCain legislation) recognize that robust immigration is a boon to the U.S. economy, but that we must construct a system—a more regulated, orderly system—that permits foreign workers to enter the country in a lawful manner. Both sides recognize that we need immigrants *and* the rule of law—that we need foreign workers, but also control. The war on terrorism demands this better control, and so, increasingly, does the public. From the Minutemen volunteers on the Arizona border to angry suburbanites in Herndon, Virginia, and on Long Island, voters are expressing frustration, and lawmakers in both parties know they must respond.

Second, and even more encouraging, politicians as far apart as the president and Senator Kennedy grasp the paradoxical nature of the remedy: namely, that the best way to deliver control is not, as many reflexively think, to crack down harder, but rather to expand the channels through which immigrant workers can enter the country legally. This consensus is

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reflected in the competing bills in the Senate, and it is at the heart of the White House's position (a position reiterated in recent weeks in a series of private meetings with legislators). All of the current reform proposals rest on two central pillars: a guest worker program and much tougher enforcement.

Expand legal channels in order to get control? Yes, it's counterintuitive, but it isn't as illogical as it sounds. Given our economy's deep and increasing dependence on foreign workers, we will never get a grip if we continue to pretend they aren't coming. Our only hope is to own up to our labor needs and—instead of casting a blind eye while people enter the country illegally—provide an orderly program that allows them to live and work on the right side of the law. Of course, we will also need to make sure that foreigners use these new legal channels and no others: Once we replace our old unrealistic quotas with a more realistic guest worker program, we will need to enforce it to the letter, with every means at our disposal. But together, a temporary worker program combined with tough enforcement ought to work to replace the current illegal flow with a legal one, delivering both the workers we need and the rule of law, too.

To be sure, there are still plenty of people who don't buy into this consensus. Not just restrictionists like Rep. Tom Tancredo, but also many mainstream Republicans, particularly in the House, seem to think that we can fix the problem simply by cracking down—without a guest worker program. One of the major battles to come will pit these "enforcement-only" folks against reformers who understand the paradox of liberalizing to get control. And even within the reform camp, the months ahead will bring no end of skirmishes.

The two Senate proposals have temporarily polarized the debate, with anti-immigrant groups like the Federation for American Immigration Reform coming out in favor of Cornyn-Kyl and most reformers, whether in business, labor, or the Hispanic community, deriding it in favor of McCain-Kennedy. This is partly because of the bills' difference in emphasis. The McCain-Kennedy package appeals most to those focused primarily on creating legal channels. (The Cornyn-Kyl guest worker program—which has foreigners working here for two years, then going home for a year, then coming back for another two-year stint, then going home again before a final two years in the United States—is just too convoluted to fly with either employers or employees.) And the Republican package has the edge among those concerned most about enforcement. (It promises more men, more dollars, and more control, both on the border and in the workplace.)

Still, despite these contrasts, what the two bills have in common is more important than their differences. Even as they tussle, policymakers are beginning to recognize their shared ground: Pressured by Cornyn-Kyl, for example, both McCain and Kennedy are now talking about tougher enforcement. The Senate could do worse than start by combining the McCain-Kennedy guest worker program with the enforcement title of the Cornyn-Kyl bill.

Even that, of course, would still leave the most difficult issue: what to do about the 11 million illegal immigrants already in the country. This is the aspect of the problem that gets the most attention, and it is by far the most emotional—the most morally fraught and deeply politicized. Here, too, McCain-Kennedy and Cornyn-Kyl could not sound more different. McCain-Kennedy allows the 11 million to earn their way out of the shadows while remaining in the United States: They must pay a $2,000 fine and all back taxes, then work and study English and civics for six years before they can apply for permanent status. Cornyn-Kyl insists they go home and apply there for permission to come back.

But for all the passion it generates, this is only a one-time, transitional problem—not nearly as important in the long term as the outlines of a new, lawful system, on which agreement is growing. And even in the matter of the existing illegals, there is increasing concurrence about the nature of the problem.

As Cornyn described the challenge recently, sounding for all the world like McCain or Kennedy, "We have to find some way to transition this population into legal status." Everyone who's serious about fixing the status quo agrees: We cannot build a new, lawful immigration system on top of an illegal foundation, cannot deliver control and legality unless we eliminate our vast underground economy. For our own sake—for reasons of national security and the rule of law—we must come to terms with this shadow world. But we cannot realistically compel 11 million people to leave the country: American business depends on them, and the American public is not going to stomach their forcible deportation. Besides, after years—sometimes decades—in the United States, many of these workers have put down roots, buying homes and businesses, giving birth to children who are citizens. As even Cornyn recognizes (in his speeches, if not in his bill), punitive demands that they go home will only drive them further underground.

There is nothing like a consensus yet on how to handle this conundrum: One man's answer is still another man's amnesty. But sooner or later we all will have to face the fact that most of the 11 million are here to stay, and it is in our interest as much as theirs for us to find a way for them to do so legally. There is simply no practical alternative. The only real question before us is how to structure the transition.

How long will it take for this understanding to dawn and for policymakers to converge on a politically palatable answer? We could easily spend the next decade fighting over particulars. Or we could realize just how close we are and how many of the important questions we have already answered—and Congress and the president could come together and enact reform before the 2006 elections. ♦

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The Mess on the Mall

Confusion reigns supreme on America's promenade

By Andrew Ferguson

If you want a vision of hell, look here: the national mall in Washington, D.C., at noon on a summer's day. Mom and Dad and Buddy and Sis stand on the treeless expanse, baked by the pitiless sun, looking lost. Dad wears a muscle-beach T-shirt stretched over a Cheesecake Factory body, his hair matted in shiny ringlets round the crown of his head. Sweat begins to show at the waistband of Mom's stretch pants. The air is hung with scrims of haze. To one side the Capitol building shimmers in ghostly outline. To the other, the Lincoln Memorial looms in what might or might not be Hellenic grandeur; it's hard to tell through the waves of heat. Both landmarks seem unreachable, impossibly distant, in opposite directions. Buddy's fanny pack won't stay hitched up, and the intense physical discomfort is the only thing that keeps Sis from dying, like totally dying, of boredom.

To be an American family in such a situation—on your first trip to the national mall, where (your textbooks taught you) those monuments of creamy marble rest among vast squares of green, set nobly along America's grandest promenade—is to be primed for indignities, one after another. Mom and Dad and the kids have driven the minivan in from the Motel 6 where they're lodged, way out on Route 1 in suburban Virginia, but they've discovered too late that the parking lots on the mall have all been closed. Street parking is beyond the dream of anyone who doesn't arrive at sunup or after sundown. Tickets for the mall's only bus service, the Tourmobile, cost $17.50 for adults, $9 for children.

The Smithsonian museums that line the eastern stretch of the mall are air-cooled, of course. Yet aside from the Air and Space museum, with dozens of tons of flying machines suspended from the ceiling, and the art galleries, for people who like that sort of thing, the museums are a bit bewildering. There's a curious lack of *stuff*. And just getting in and out of the museums is a pain. Already the family has been through half a dozen metal detectors and had their fanny packs poked and probed just as often—even at the Botanical Gardens, which has recently been locked down against evildoers bent on anti-fuchsia terrorism. When the family gets back outside in the pulsating sun, the heat is made even less bearable because—hey, where are the water fountains? The lack of water might be a blessing, though. If you drank too much you'd soon discover there aren't many bathrooms, either, and they're usually out of soap anyway, sometimes toilet paper too, and they always seem to be a quarter mile away from where you are, wherever you are.

Still, our visitors make their way toward the restroom, and as they go they notice also that no one has thought to set out benches for the lame, the halt, or the merely footsore—just a few, here and there, usually splintered. The scramble for seats can get ugly, especially for the benches set in the shade of the overspreading elms. Sometimes it looks like a game of musical chairs in an old folks' home. Oddly for a promenade, fences are everywhere: snow fences of flimsy red slats and wire, more formidable cyclone fences painted black, placed to discourage unauthorized ambling and to cordon off vast acreage of greensward—or what would be greensward if it were green. And if you get hungry, your chances of finding food depend heavily on luck. The federal government, caretaker of the mall, has never bothered to print a map showing concession stands and restaurants.

Nowhere to park, nowhere to sit, nowhere to eat, nowhere to pee. Do I exaggerate? Only a little. One doesn't have to spend too much time on the national mall—the "place of resort" for public walks that Pierre L'Enfant, the capital's designer, dreamed of—before one begins to detect a certain lack of hospitality. One begins to feel like a nuisance, in fact. Worse, one begins to feel that one is *supposed* to feel like a nuisance. And one—I hate to say it, I really do—would be right.

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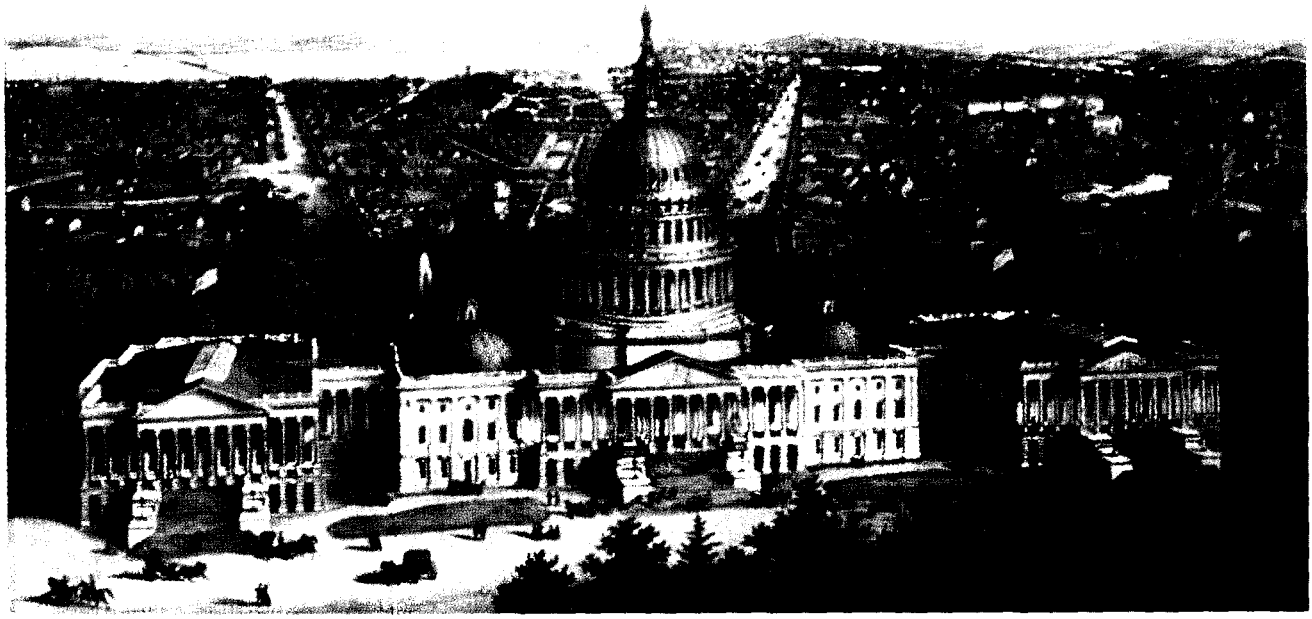

The vista from the Capitol to the Washington Monument in 1871

Watching a rash of apartment buildings rise on the hills of San Francisco in the 1950s, the architect Frank Lloyd Wright told a local paper: "Only a place this beautiful could survive what you people are doing to it." Wright (who despised the mall's classical dimensions, incidentally) could have applied the same remark to the monumental core of Washington, D.C., as it limps into its third century. The mall is a mess, and getting messier.

The D.C. Preservation League, a well-meaning group of aesthetes, hobbyists, architects, and civic-minded buttinskis, recently placed the mall on its list of the capital region's most endangered places. A few years ago, the National Trust for Historic Preservation did the same. The mall, the League said in a statement, "is nothing short of America's premier civic expression in landscape, monuments, and public buildings of the concept of American founding principles." Preservationists have a weakness for extravagant overstatement, yet even a non-preservationist would have to admit that the League is right to draw attention to policies that choke the mall, threatening to change it irretrievably, and for the worse.

The most immediate problem is ham-handed security, overdone, unaccountable, unexplained, and, to the non-specialist, apparently irrational—measures undertaken, it seems, more for the convenience of the mall's caretakers than its visitors (and owners). People who frequent the mall can cite the moment when they began to notice something was up, and such moments often pre-date September 11, 2001. Mine came nearly a decade ago, when I drove an aged visitor into town for a close-up look at the Washington Monument. The nearby parking lot, by custom reserved for just such drop-ins, was suddenly closed. It has never reopened. Late last year, the small parking lot adjacent to the Jefferson Memorial, also intended for quick visits, was sealed off to all but authorized vehicles (*authorized*: "not yours"). Now anyone who would like to see Jefferson in his memorial must park nearly half a mile away, duck under a pair of freeway exits, cross a street blurry with careening Tourmobiles, and, after a while, pass through the now-closed parking lot, from which the memorial is a thirty-second walk.

The National Park Service at first declared the closing "temporary." It will be permanent. Four of the eight windows at the top of the Washington Monument have mysteriously closed; the porch around the Lincoln Memorial is fenced off; visitors to the Reflecting Pool are unaccountably shooed away. And so it goes: Overnight a wall of Jersey barriers arises here; a chain-link fence closes off a shortcut there; favorite spots for picnics or loafing suddenly recede behind bollards or are rendered inaccessible altogether. The shutdowns usually occur without public notice, much less a public hearing. (Appropriately enough, William Line, the park service's notoriously inaccessible press officer for the mall, declined to return phone calls seeking comment for this article.)

The League's statement of alarm continued: "Centuries of careful urban planning that created a city symbolic of openness, freedom, and democracy have been overturned by spontaneous, ill-planned measures." That "careful urban planning" is, as we'll see, a misapprehension, for one of the mall's charms is its serendipitous accumulation of accident and anomaly, frustrating the meticulous schemes of generations of urban planners. Yet the real problem with the League's declaration is that it didn't go far enough. Overweening security is only the most immediate threat to the mall.

A recent report by the Government Accountability

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Office complained about water damage and inadequate maintenance in Smithsonian museums, two of which—the Old Patent Office (a few blocks from the mall), housing the National Portrait Gallery and the American Art Museum, and the Arts and Industries building—are now closed, the latter with no reopening scheduled. Thanks to an unbroken procession of festivals, rallies, concerts, and other special events, acres of the mall itself are stripped of grass and gone to dust, or mud, depending on the weather. For weeks at a time the mile-long stretch between the Capitol and the Washington Monument takes on a provisional look, like the scene shop for a complicated stage production, as tents and platforms and various temporary structures are set up, taken down, and stored in the open air.

This sort of clutter at least is temporary. For twenty-five years an overabundance of new permanent structures—museums, memorials, and monuments—have begun to complicate the simplicity of the mall's arrangement. The most recent monument, the World War II memorial, set off a furious protest from people who objected to its size, its design, or its placement around the Rainbow Pool at the foot of the Washington Monument. They lost, of course. But they have gone on to gain new allies with an organization called the National Coalition to Save Our Mall. Last year the coalition held city-wide workshops before launching The Third Century Mall Initiative, whose chairman and master publicist, Judy Scott Feldman, I first met on a blustery day this spring, in the visitors center at the Smithsonian castle on the mall.

A "coalition" that holds "workshops" and launches "initiatives" (does the English language contain three more ominous words?) is a thing that requires inexhaustible furnaces of human energy. The mall coalition has Judy Feldman. She is, as activists are, a blur of constant motion. I've met Baptist ministers with less enthusiastic handshakes. We found a bench near a wall outlet, so she could plug in her laptop. The laptop contained photographs, notes, architectural plans, historical drawings, government reports and studies, correspondence, power-point presentations—all the necessities of the activist life.

A college professor by trade, Feldman came to her activism late. She grew up in Washington, moved away, married, and returned with her husband to the capital to teach medieval art at American University. One Christmas a decade ago, she recalled, "the professor who taught Washington architecture dropped dead. Bam. Like that. There was no one to teach his course. I love Washington, I love Washington architecture. So I offered to do it." She wanted to make the course as participatory as possible, so she took her students to meet architects, designers, urban planners, and especially the bureaucrats who oversee the mall. "That's how I learned how things work—and don't work. Then this World War II thing blew up."

In 1997, Feldman read a newspaper op-ed by Sen. Bob Kerrey opposing plans by the American Battle Monuments Commission to construct a memorial to World War II veterans on a spot between the Lincoln Memorial and the Washington Monument. The original plans included a museum, a visitors center, a theater, an eternal flame, an above-ground coffin symbolizing the war dead, and a large berm ringed with a colonnade, blocking views the length of the mall and cutting off pedestrian access from the Washington Monument to the Lincoln Memorial. "It was gigantic, monstrous," she said. "I thought, I'm a native Washingtonian. I know the history, I'm teaching architecture, I've got to do something."

Partly in response to Feldman and her allies, the Battle Commission's subsequent proposals reduced the size of the design and modified its excesses. The memorial as it stands today—it was dedicated on Memorial Day 2004—is still enormous, covering seven acres. Yet L'Enfant had conceived of Washington as a city of "magnificent vistas," and you can still stand at the base of the Washington Monument and see through to the Lincoln Memorial—a small victory, maybe, but one that can be laid to Feldman and her army of agitators.

"We persisted, we persisted, we persisted," she said.

And she hasn't stopped. After the controversy over the World War II memorial, "we realized the whole system of regulating the mall was obsolete, doomed, mortally wounded." Congress had already sensed the problem. In 1986, it passed the Commemorative Works Act to discourage runaway construction on the mall. Nothing was discouraged. In 2003, Congress tried again. It declared the mall a "substantially completed work of civic art" and imposed a moratorium on any further construction there. Everyone seemed to agree the moratorium was long overdue, but it came with an unavoidable catch: Congress can override the ban whenever it wants. The moratorium is a bit like the intermittent hunger strike once undertaken by the Rev. Jesse Jackson, who would periodically put the strike on hold so he could get a bite to eat.

In fact, the bill imposing the moratorium contained the first exemption to itself. It authorized construction of a massive subterranean visitors center for the Vietnam Veterans Memorial. Since the moratorium was passed, the World War II Memorial has been built, two concession stands and Tourmobile turnarounds are under construction near the Lincoln Memorial, plans proceed for two similar buildings at the Washington Monument, the National Museum of the American Indian filled up the mall's southeast corner,

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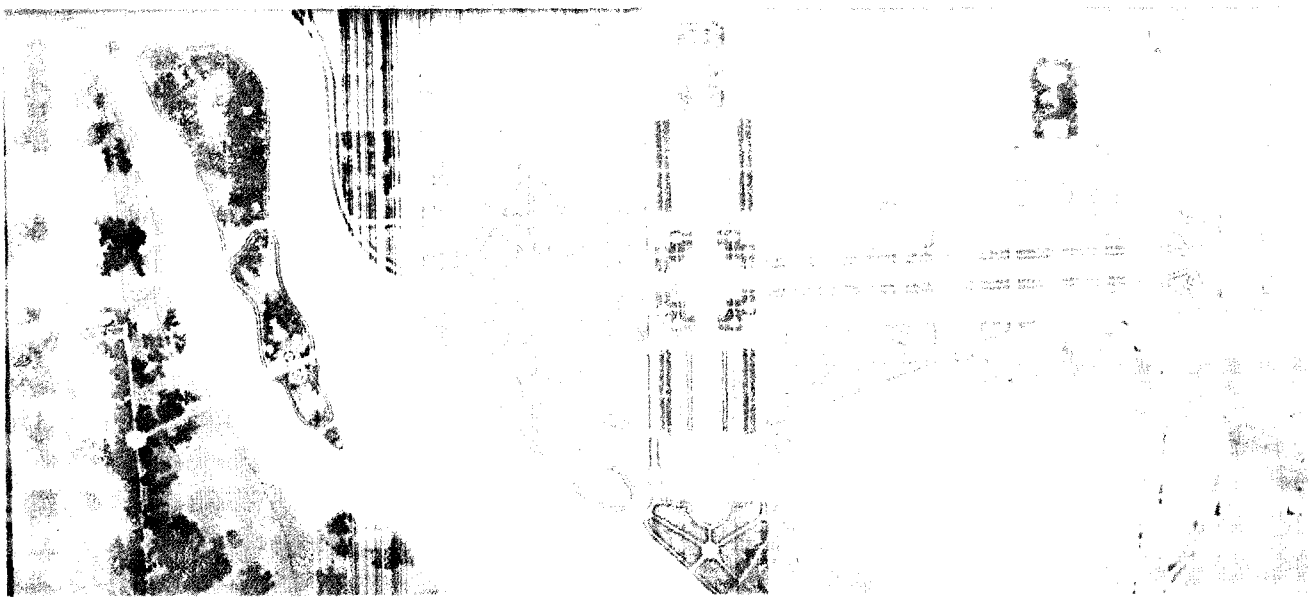

The McMillan plan of 1902: a design that is recognizable to this day

designs have been approved for a four-acre Martin Luther King memorial and a memorial honoring black Revolutionary War soldiers, and several Republican congressmen have declared their intention to reserve space on the mall for a monument to Ronald Reagan—which, they stipulate, must be at least as big as the 7.5-acre FDR memorial, and not one hectare less. President Bush has insisted that room be found on the mall for the National Museum of African American History and Culture, and at least one public committee ponders a Latino museum, too. According to a report by the National Capital Planning Commission, one of the regulatory bodies overseeing the mall, if present trends continue—always a safe bet in Washington—fifty new memorials will be added to the mall by the middle of this century.

Meanwhile, slyer alterations are being made to the mall's landscape that have nothing to do with the threat of terrorism. On her laptop Feldman showed me the outlines of the Park Service's 1976 mall master plan. She touched points up and down the mall. "The idea was to have little concessions and food stands all along here, where people walk. Umbrellas, tables, chairs in the shade. It was a way of encouraging people to get out in the mall."

She tapped a key and a new slide popped up on her screen. "Now look," she said.

Current Park Service plans will concentrate food service, restrooms, and gift shops on street corners—where the Tourmobile stops. "The 1976 Master Plan was oriented toward the pedestrian," she said. "Now you've got a shift away from the pedestrian-friendly experience and toward the Tourmobile experience." The Park Service's ultimate desire was made public, indiscreetly, by John Parsons, associate regional park director for the mall. In 2000 Parsons told the *Washington Post* he hoped that eventually all unauthorized traffic, whether by foot or private car, would be moved off the mall. Visitors could park in distant satellite lots and be bused to nodal points, where they would be watered and fed, allowed to tour a monument, and then reboard a bus and head for another monument. "Just like at Disneyland," Parsons told the *Post*. "Nobody drives through Disneyland. They're not allowed. And we've got the better theme park."

Needless to say, the mere whisper of the word "Disney" sends shudders through the aesthetes at the Coalition. Yet you don't have to share a horror at overdesigned, overmanaged theme parks, with their subtle but ruthless crowd control, to see the threat this new bureaucratic sensibility poses. The pleasures of the mall are many, and most depend on its openness and accessibility: It is at once a municipal park, with fields for soccer and softball, a stage for democratic agitation, with space for marches and rallies, an educational center, with two or three of the country's most distinguished museums, and a place for patriotic edification, with a landscape encompassing not only the seat of government but also magnificent tributes to the man who founded the country and the man who saved it. It's a delicate and improbable balance, something easily undone by the thick fingers of bureaucrats intent on making their own jobs easier.

"We want to bring people onto the mall," Feldman said, "to enjoy it and be inspired by it. They want to keep people off."

The mall and its history form a sketch of the country's aspirations and ever-changing image of itself. You find hints of it all over.

Every mall rat—as some of us call ourselves—has his favorite spots. One of mine is in the Enid Haupt Garden, behind the Smithsonian castle. As you'd expect, two of the four entrances to the garden have been clamped shut with rusted locks and heavy chains, but with a little effort you can find this place: In a small circle of decorative grasses sits a weathered marble urn, awkwardly oversized, carved

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in friezes of wreaths and fronds, overdone to suit Victorian taste. The urn has traveled the mall over the last 150 years, bumped from one spot to another as the landscape changed, coming to rest here only in the 1990s. It is a monument to A.J. Downing, the first celebrated American landscape architect. In 1850 he was hired by President Fillmore to make of the mall, then little more than a floodplain, "a national Park, which should be an ornament to the Capital of the United States."

Though the mall is generally credited to Pierre L'Enfant and his plan of 1791—the idea was a grand promenade extending from Capitol Hill to the Washington Monument, then turning northward to take in the President's House—Downing was the first man to have the practical opportunity to impress on the land an artistic vision of his own. L'Enfant had foreseen something continental, almost regal, like Versailles. The landscape Downing set down on paper was republican: a series of gardens of different sizes, full of winding carriageways and tangled bowers, a "public museum of living trees and shrubs." Much of it was built, in fits and starts, and patches remained, in varying states of cultivation, for nearly 80 years. Carved in memory of Downing's early death in 1852, the urn's inscription asks the visitor to look around and admire the great designer's artistry. But a visitor today would look up and see nothing that Downing knew: No hint of his work remains. The urn makes for an eerie tribute—more a reminder of the transitory condition of the mall, where the grandest ambitions are played out and then disappear.

The mall's present scheme, in outline, is the work of a commission impaneled in 1900 and chaired by Senator James McMillan of Michigan. Fifty years after Downing's death, the mall was—yes—a mess. Most of the gardens had fallen to ruin. Fountains dried up, slag heaps smoked, and railroad tracks criss-crossed the mall, terminating in a Gothic brick pile at the foot of Capitol Hill. Civic improvers had dredged the Potomac and pushed its banks westward to the future site of the Lincoln Memorial, but the landfill lay vacant, covered in stub grass and dotted with malarial pools. Seven years earlier, the "White City" of the World's Columbian Exposition in Chicago had launched the City Beautiful movement, and the attention of its partisans fell upon the tumbledown mall as the place for a grand experiment. Under the advice of Charles Moore, later chairman of the Commission of Fine Arts, McMillan brought together the urban planner Daniel Burnham and the architect Charles McKim, the team that had designed the Exposition, with the country's greatest sculptor, Augustus Saint-Gaudens, and its greatest landscape designer, Frederick Law Olmsted Jr. The senator suggested they rescue the mall.

Downing's vision of pastoral republicanism was dispensed with altogether; it was suited to a country that had ceased to exist. In its place the commission proposed a greatly expanded park fit for the capital of an empire: The railroad station and tangled gardens and rock piles would be cleared to make way for white marble buildings of uniform height, poised along walkways and parallel drives, stretching from the Capitol to the Potomac, where, at the mall's terminus, a temple to Lincoln would rise up. L'Enfant had wanted a mall open to the river and the western territory beyond. But by 1900 the frontier had been declared closed. So the mall would be enclosed, too, a self-contained symbol reflecting the country's history, destiny, and grandeur.

Urban planners are like libertarians: They're wonderful to have around so long as their advice is never, ever followed all the way through. Yet standing on the mall today, knowing this history, you can be astonished at the durability of the McMillan design. The commissioners got much of what they wanted, and much of what they hoped for is still here, and still thrilling. It took awhile. The Lincoln Memorial wasn't finished till 1922. The Jefferson Memorial, completing the north-south axis from the White House through the Ellipse and the grounds of the Washington Monument, opened in 1943. It wasn't really till the 1970s that the commission's plan was substantially realized.

There were false starts and missteps. Some have survived, others haven't, to varying effect. The mall's great size—it runs more than two miles in length—is daunting, even overwhelming, but it's so big it's hard to wreck. Starting in World War I, masses of "temporary" office buildings were tossed up along what would become the reflecting pool and the last one wasn't torn down until 1971, when President Nixon insisted on it. He hoped to replace them with a three-story underground parking garage (a great idea) topped with an amusement park (a less great idea); what we got instead, in the mid-1970s, was Constitution Gardens, a Downing-like meadow of willow trees and duck ponds and little bridges and islands, looking slightly out of place amid the mall's otherwise angular geometry. A Ferris wheel might have been nice.

Constitution Gardens was the best thing to happen to the mall in the second half of the twentieth century, but it seems almost a concession to a long-gone era. The general collapse of architectural taste following World War II, and the collapse in national self-confidence brought on by the 1960s, have had more serious effects.

The McMillan plan was a creature of the neoclassical revival. Within fewer than thirty years neoclassicism had become an object of derision and contempt among the nation's tastemakers and sophisticates. Yet no one on the

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National Capital Planning Commission or the Commission of Fine Arts—two of the kibitzing bodies responsible for approving new construction on the mall—quite had the nerve to abandon classicism altogether. As a consequence something squirrely entered the mall's architecture.

The first building constructed on the mall after John Russell Pope's neoclassical National Gallery (1941) was the Museum of American History (1964), followed by the Museum of Air and Space (1976). In style these buildings are neither classical nor modernist, but manage to combine the worst elements of each. They share classical materials—light-shaded marble—and they have classical massing: solid and rectangular. But the classical lines are laid out with modernist austerity and lack of ornamentation, while the modernist simplicity is weighed down by the classical bulk. It's hard to believe that structures so large can be so unimpressive.

The same squirreliness infects what happens within the walls of the museums, too. The Smithsonian was chartered on idealistic grounds—"for the increase and diffusion of knowledge"—and for more than a century it accumulated and displayed its holdings with an eye toward edifying the public. But again the intellectual fashions changed, especially among historical curators. The National Museum of American History is a showcase of "social history," the revisionist approach that downgrades the extraordinary and exemplary while elevating the everyday and unexceptional. Except the unexceptional isn't very interesting, and neither is the museum.

The permanent exhibits are built around concepts, the larger and more abstract the better—"Information," "Transportation," "Electricity," "Time." These vague and expansive subjects are then illustrated with material objects displayed willy nilly. The objects chosen are seldom remarkable; they seem to have been chosen, in fact, precisely because they aren't remarkable. In the "Time" exhibit you find a sundial and a pocket watch. "Electricity" gives the curators a chance to show off their collection of . . . electric fans. "Information" has rolls of teletype paper, and "Transportation" has, of course, cars, plus a slab of paving from an old highway. There's a wheelchair from 1978, and a shoe shine kit from the 1950s, and cue balls and bags of grass seed.

Just when you think there's nothing the curators won't put in a glass case, you remember the stuff they really *aren't* putting in a glass case. At the Smithsonian uncountable collections of objects touched by great events and great men sit in darkened storerooms, far from public view, so the curators might have space for one more garage-door opener. The Smithsonian has the largest holding of American Indian artifacts in the world—objects of great beauty and historical interest, such as Sitting Bull's pictographic autobiography—yet all but a handful of them are put away in a warehouse in Suitland, Maryland.

Instead, at the recently opened National Museum of the American Indian, visitors find glass cases presenting slot machines and casino chips and, in a tribute to the annual Denver March Pow Wow, a stack of bumper stickers and "go cups" from the Denver Coliseum, where the Pow Wow has been held since 1989. It can be painful to watch Mom and Dad and Buddy and Sis make their way through such exhibits, to see their quickening steps and the boredom unmistakable behind their wan, expressionless faces—not getting it, of course, but not wanting to admit they're not getting it.

Are they hurt to be insulted so? Americans are hard to insult, especially when they're in from out of town. The Vietnam Veterans Memorial, for example, is the most-visited monument in Washington, and easily the most influential structure placed on the mall in 75 years. Yet at any other moment in history it would have been understood as a loud, sputtering raspberry directed at the mall's celebrated virtues. It was conceived in 1979 by a veteran named Jan Scruggs. After watching a mawkish antiwar movie called *The Deer Hunter*, Scruggs began a national campaign for a memorial on the mall. The country's post-Vietnam self-flagellation was entering its most intense phase, and Scruggs quickly raised more money than he needed.

It was clear from the start that this would be a different sort of war memorial. The design committee specified that the winning design could not exalt the war—no guts, no glory. The chosen design, by a Yale University undergraduate named Maya Lin, is now recognizable all over the world: a shiny black granite wall showing the names of the dead angled sharply into the earth, creating a trench into which visitors walk and from which no emotion but grief can emerge. If traditional memorials were designed to lift the viewer out of himself and thrust him into a larger drama of enduring significance—this had been one of the principal purposes of the mall, as it developed and grew—then the Vietnam memorial careens violently in the other direction. It is an invitation to commune with one's own sad feelings; it is the memorial as therapy, flattering the visitor's sensitivity. It's enormously popular.

At first the popularity wasn't universal. The original design's morbid inwardness, its meticulous avoidance of any elevating or patriotic symbolism, created a reactive special-interest group of its own—Vietnam Veterans against the Vietnam Veterans Memorial, who hoped to correct, or at least complicate, its overt pacifism and its sly denigration of the war and the warriors. They succeeded in their

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demand that a life-sized, representational sculpture of three actual soldiers be included near the memorial, along with—creating still more controversy—an American flag.

When the memorial was finished, the interest groups only metastasized. The sculpture, once installed, faced charges of sexism. Why, among the three soldiers, were there no women? The memorial's sponsors pointed to the granite inscription, which dedicates the structure to the "men and women" who served in Vietnam. Some nervy officials even dared to mention that of the 58,000 military dead in the war, only 8 were women, and that the 10,000 women who served in Vietnam constituted 33/100 of 1 percent of the total American force. Needless to say, there is now a Vietnam Women's Memorial too, in a stand of trees thirty yards off to the side.

Korean war veterans began to wonder out loud where their memorial was. In 1996 they got one on the other side of the Reflecting Pool from the Vietnam memorial, taking up an equivalent and carefully measured square footage. And as long as we're all building memorials . . . World War II veterans started to wonder, where was ours? And if Lincoln could have a memorial, what about FDR? Didn't he save the country, too, after a manner of speaking? And isn't Martin Luther King easily as great a man as . . . ?

Who would have thought that a monument as chaste-looking as the Vietnam memorial could have so many offspring?

Many of these new memorials were stylistic heirs as well to the Vietnam design. The Korean veterans memorial—though representational, unlike the Vietnam memorial, and with a beautiful inscription suggesting heroism—shares the same mirrored black granite and outlandish size. The FDR memorial is similarly huge, and like the others, sprawls horizontally rather than rising vertically. Like the Vietnam memorial, it is anti-commemorative in mood. As the architectural historian Richard Longstreth put it, it "is treated like a secret garden—an inward-looking world that is hardly discernible until one enters its confines." It's an odd aesthetic to honor the most gregarious of public men, but the pall cast by Maya Lin's granite trench seems to demand it.

There are lots of lessons to learn from the Vietnam Veterans Memorial, but two carry particular relevance for the mall's future.

One is that memorials put up to satisfy an aggrieved interest group only spawn demands for more memorials from aggrieved interest groups. Before the Vietnam Veterans Memorial, the mall's signature landmarks—monuments to Lincoln and Washington—were intended to be unifying. They evoked a common patrimony that Americans shared by virtue of being Americans. Now memorials and museums have the purpose of getting one group or another to stop complaining. The word most commonly applied to the character of the new additions to the post-Vietnam mall is "balkanized." The mall reflects America back to itself, as it always has.

The second lesson sheds light on what might be called the "life-and-death-cycle" of commemorative projects. There isn't one. These things are eternal. A memorial placed on the mall nowadays, no matter how initially offensive or widely criticized, can never be undone. Before too long it takes on the neutrality of the familiar. Then it becomes popular, then beloved, and then, inevitably, beyond criticism; the unavoidable word is "iconic." In time, the original criticism will even be used as proof that any criticism of a new project must be misbegotten, too. (*Hard to believe, but even the Vietnam Veterans Memorial was controversial when it was first proposed . . .*) Both the World War II and Vietnam memorials are fully as obtrusive and tasteless as their early critics feared. But they're here to stay. Iconic, too.

These two facts—that the demand for memorials will be insatiable, and that once a memorial is here it will never become unpopular—make the congressional moratorium on new mall construction all the more important. Unfortunately, they also make it impossible.

Judy Feldman and her coalition know this but are undeterred. The moratorium, they say, is merely a stopgap—an effort to buy time. The next urgent step, Feldman told me, is to push for some kind of unitary oversight of the mall. As it is, seven different governmental agencies control different bits of territory in the symbolic core. The streets in the mall, for example, are under authority of the District of Columbia. The Smithsonian controls its own buildings and one sculpture garden, the National Gallery of Art controls two art galleries and another sculpture garden, the Park Service handles the monuments and the lawn, the Capitol Police and the Architect of the Capitol oversee the Botanical Gardens, and so on. Feldman flipped up her laptop and began showing me slides to illustrate the divided oversight.

"It's incoherent," she said. "You've got all these jurisdictions, but the mall as a whole is an orphan." There's little coordination among the agencies, and what there is consists mostly of log-rolling and wagon-circling. And each agency is responsible to a different congressional subcommittee, sometimes two. The results are seen in the ad hoc and redundant security measures, the lack of amenities, the thickening clutter, and the hostility toward any efforts to reverse the mall's decline. What we need, says the coalition, is a new McMillan commission, a Board of Regents—civic-minded architects, landscape designers, politicians, histori-

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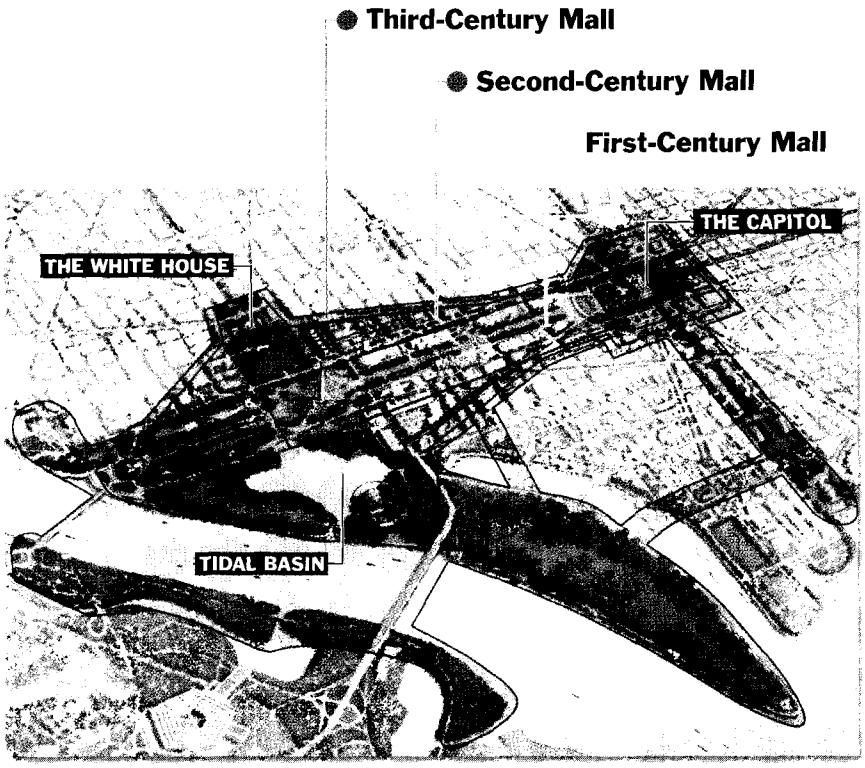
ans—charged by Congress to set down a plan that could last a century, as McMillan's did.

It sounds high-minded and admirable, though a quick flip through the arts pages of the *New York Times* will reveal a notable lack of heirs to McKim, Saint-Gaudens, Olmsted, or Burnham. Besides, I asked Feldman, what could a new commission do about the clutter, which is an inevitable function, as the economists say, of a limitless desire (for commemoration) and a limited resource (space on the mall)?

Feldman is a spirited person anyway, but suddenly she looked almost giddy. She poked another key on her laptop, and the screen filled with a map of the symbolic core.

"We make the mall bigger!" she said.

On the new map the mall filled its familiar space and then spilled over—into West Potomac Park, down to Hains Point, swooping back up Tenth Street, where the present L'Enfant Plaza is, taking in the Banneker overlook, and back down South Capitol Street to the Anacostia waterfront, and even over to the river banks on the Virginia side.



The plan of the Third Century Mall Initiative

"This could be the Third Century Mall," she said. "The first century mall was quite limited, from the foot of the Capitol to just beyond the Washington Monument. For the second century, the McMillan commission more than doubled the size. It was a continuation of our history, this expansion of the public space. So we propose continuing the tradition."

Her enthusiasm was infectious. She traced her finger on the screen, conjuring up new walkways and bike paths, food courts and restrooms, uncluttered space for new monuments and museums, foot bridges over the Washington channel, even streets and lots for private cars!

She pointed to the Banneker overlook, where Tenth Street meets the water. "You could have a beautiful piece of architecture here, facing Virginia and all the waterfront, and if you bridge it here, or maybe here, you create a whole new circulation pattern . . . " She tapped Hains Point. "Why not a museum of military history down here? This area is gorgeous! And it's totally under-utilized. Of course, the Park Service has its offices down there, with a big parking lot. At least *they've* got parking . . . "

Now and then I tried to raise practical objections—like, where's the money going to come from?—until at last she held up her hand. "Look," she said, "I'm not saying this is a detailed plan. It's not a design. It's an *idea*. It's something for everyone to think about, to get the conversation started. Because look: We really do need to get started."

You could object that expanding the mall only compounds the problem, opening up new territory to the second-rate stuff that's characterized it for the last forty years. On the other hand, this might also be a chance to start fresh. Of course, in either case, it all sounds wildly improbable.

But the mall, for all its obscured majesty, is improbable, too. Watching Feldman spin her fantastic vision, I remembered reading a statement of Charles Moore, one of the geniuses behind the McMillan commission. The costs of executing the commission's plan, back in 1902, were estimated at between $200 million and $600 million—real money in those days.

Moore was unyielding. The mall would have to grow, he told the skeptics. It could never be completed because if it were, he said, "then the nation itself would be finished, destined only for stagnation and decay."

It's a long and honorable line of visionaries Feldman and her friends invite us to join, stretching back through Moore to Downing, and beyond him to the great L'Enfant himself, who had the imagination and pluck to look out on a mess and dare to see a mall. ♦

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Boy Premier

A life of the youngest man ever to inhabit 10 Downing Street

BY MAX BOOT

Bettmann / CORBIS

William Pitt the Younger

The great paradox of liberal democracies is that they seldom do a very good job of preparing for war but, once it arrives, they usually prove to be much more resilient and much less "decadent" than their illiberal enemies had expected. Even with the winds of war gathering, free countries are often led by such feckless leaders as James Buchanan, Aristide Briand, Edouard Daladier, H.H. Asquith, or Neville Chamberlain. Yet when all seems lost they almost invariably summon forth a lion to save them—a George Washington, Abraham Lincoln, or Franklin Roosevelt, a Georges Clemenceau or a Charles de Gaulle, a David Lloyd George or a Winston Churchill.

Two great exceptions—the only major wars lost by Britain and the United States in modern times—show how important it is to have such a leader. Under the inept leadership of Frederick Lord North, England failed to defeat the American bid for independence, while under the equally inept leadership of Lyndon Johnson, the United States failed to defeat North Vietnamese aggression.

William Pitt, father and son, were no LBJ or Lord North. (In fact, both of them were at political loggerheads with North.) They were more in the Churchill mold. Pitt the Elder (later the Earl of Chatham) guided Britain to victory over France, Austria, Russia, Saxony, and Sweden in the Seven Years' war (1756-1763). His son, Pitt the Younger, was not so fortunate, dying in 1806, nine years before Napoleon was finally vanquished. But he nevertheless provided indomitable and indispensable leadership during the darkest days of the struggle against revolutionary France.

William Pitt the Younger
by William Hague
Knopf, 556 pp., $35

In the pantheon of wartime greats, Pitt the Younger was one of the odder ducks. A political prodigy, he entered Cambridge at 14 and Parliament at 21, where he immediately established a reputation as one of the greatest orators in an age of great oratory. (After his maiden speech, Edmund Burke proclaimed that Pitt "was not merely a chip off the old 'block' but the old block itself.") By 23, having audaciously rejected offers of lesser office, he was chancellor of the exchequer and, a year later, the youngest prime minister in British history.

He would go on to hold the top office, with only one brief interruption, for a total of almost 19 years, much longer than Churchill, William Gladstone, or Margaret Thatcher. His tenure ranks in longevity behind only one man, Sir Robert Walpole, who served from 1721 to 1742.

Notwithstanding his peerless pedigree and invaluable connections, there was nothing inevitable about Pitt's rise, certainly not at such a ridiculously young age. For a politician, he was remarkably uninterested in cultivating other politicians. Outside of a circle of close friends, which he made no attempt to expand, he was, in the

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words of a contemporary political diarist, "cold, stiff, and without suavity or amenity." A lifelong bachelor, he was in all likelihood Britain's only virgin prime minister. Despite innuendo linking him to his protégé (and future prime minister) George Canning, there is no record of a sexual liaison with anyone, male or female.

"I am the shyest man alive," he once confessed—hardly an ideal qualification for a lifetime in politics.

Pitt was sickly, bookish, and intellectual, enjoying nothing more than to read classical texts in the original or to work out abstruse algebraic equations. (His ability to pull out Latin aphorisms at the drop of a cocked hat impressed his fellow members of Parliament.) His direct knowledge of foreign countries was limited to one short trip to France. He knew even less of military affairs. Though he came of age during the American War of Independence, it apparently never crossed his mind to don a red coat, nor did anyone expect him to do so. He disarmingly confessed, "I distrust extremely any Ideas of my own on Military Subjects."

The mystery of how, despite it all, Pitt became Britain's longest-serving war leader is ably explained in this biography. William Hague, who first gained national prominence when he addressed a Conservative party convention at age 16, and who assumed the party leadership in 1997 when he was just 36, seems perfectly placed to chronicle the fortunes of an earlier prodigy. He now has the leisure to write because he was not quite as successful as his hero. After losing in a landslide to Tony Blair in 2001, Hague resigned the party leadership. He continues to sit in parliament, but as a backbencher, which leaves him time for other pursuits.

That he has chosen to produce a serious biography rather than simply undertake the usual round of profitable, if dreary, company directorships and consultancies is very much to his credit, but less unusual in British politics than it would be here. With a few notable exceptions (the late Daniel Patrick Moynihan springs to mind), our politicos write only two kinds of books: memoirs and campaign manifestos. And in both cases, "write" must be taken with a grain of salt, since the actual composition is done by hired hacks. Westminster, by contrast, is full of professional writers such as Boris Johnson, who edits the *Spectator* in his spare time.

Hague has not worked in journalism, but he was encouraged by the late Roy Jenkins—a once-prominent Labour politician who later became a biographer of Gladstone and Churchill—to try his hand at a biography, and he has acquitted himself admirably.

Hague's effort may not match the literary excellence and exhaustive research of two recent biographies of Pitt's contemporaries—*Alexander Hamilton* by Ron Chernow and *John Adams* by David McCullough—but it is a knowledgeable, eminently readable, and altogether impressive account. Taking advantage of his background, Hague sprinkles the text with asides about how some action of Pitt's would have been perceived in parliament today, or how a modern politician would have handled some situation that Pitt faced. He is particularly good in explaining Pitt's rise and exploits in the House of Commons—subjects obviously close to the heart of an author who is known as an accomplished parliamentary performer himself.

Pitt's ascent to become first lord of the treasury in 1783—the post formally occupied by the "prime minister" even today—came in a period of unusual political fluidity following the British Empire's shocking defeat at the hands of ragtag American rebels. (Think America after Vietnam.) After the death, in short order, of one prime minister and the resignation of another, George III was desperate to keep out of office an opposition coalition led by Lord North and Charles James Fox. The king loathed Fox, Pitt's lifelong adversary, as an unprincipled adventurer, and North had been discredited by his failed policies during the American war. Pitt, then chancellor of the exchequer, was the most senior figure in the Commons acceptable to the king, so the top job was his—if he could keep it.

Hague notes that "politics in the 18th century was more of a younger man's game" than it is today. At a time when a teenager could ascend to the throne, and inheritance "was more widely prized," Hague argues, "for such a young person to enjoy such a high rank was regarded as unusual rather than ludicrous." Still, many MPs laughed when the appointment of this tyro was announced. Few expected he could last long, given the opposition of most of the House of Commons. They did not reckon with "Billy" Pitt's political skill and determination, or the king's.

At the time, there were no political parties in the modern sense, and few ideological divisions. The terms "right wing" and "left wing" had not yet been coined. All politics was personal, with the government staying in office as long as it enjoyed the confidence of the monarch and his parliamentary friends, many of them placed in their seats by grandees who owned their boroughs in the same way that they owned castles and coaches. In such a situation, getting and consolidating power involved dishing out patronage. Pitt was personally uninterested in making money or accumulating titles (he died deeply in debt and a commoner), but he was happy to use the full power of his office (and the king's) to rally support in Parliament.

"They are crying peerages about the streets in barrows," wrote one contemporary of Pitt's successful effort to win a majority.

Once he had consolidated his position, Pitt showed such great ability that both king and Parliament were content to entrust the country to his care for year after year. He was a skilled, hard-working, and incorruptible financial manager, and so dedicated to the commonweal that he did not hesitate to fire his own brother as First Lord of the Admiralty for subpar performance. He was also a mild reformer, unsuccessfully pushing political rights for Roman Catholics, a reorganization of parliamentary seats to comport with population shifts, and an end to the slave trade. But after 1793 all such domestic concerns were subordinated

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Hulton-Deutsch Collection / CORBIS

'The Plum Pudding in Danger' (1802) by James Gillray: Pitt (left) and Napoleon

by the demands of war against the French Revolution.

Like John Adams in the United States, Pitt did not hesitate to pass repressive legislation to quell the possibility of an uprising in his own country. Habeas corpus was suspended and large political meetings banned. Anyone who spoke favorably about the French Revolution in public was liable to be jailed. (And to think that some historical ignoramuses claim the Patriot Act is the height of repression!)

Pitt prosecuted the war in the classic British fashion: A strong navy would blockade France, seize its colonies, and protect the home islands, while subsidies would be extended to continental allies to do the fighting that Britain's tiny army could not. Even under the best of circumstances, it was not a recipe for a quick victory. The French armies went from success to success while the pitiful expeditionary force Pitt dispatched to the continent was summarily routed. Britain was saved only by the glorious exploits of the Royal Navy, which bested the French fleet and its allies in a series of epic encounters culminating in the Battle of Trafalgar in October 1805. Six weeks later, however, Napoleon won a crushing victory against Austria and Russia at Austerlitz, leading to the collapse of the Third Coalition and hastening Pitt's demise.

Pitt's health had been declining for years because of too much work, too many worries, and, above all, too much wine. Hague is unsparing in calling Pitt an alcoholic, a word that his contemporaries would not have used but one that seems apt in light of Pitt's habit of drinking three bottles of port at a sitting. In one of his more amusing passages, Hague examines hand-blown 18th-century bottles and finds that they could hold less liquid than modern, machine-made bottles because they had a larger base and thicker glass. Even so, he concludes that Pitt's consumption would equate to "one and two-thirds of a bottle of strong wine today." It would take a cast-iron constitution to quaff so much booze without adverse effects, and Pitt's constitution was far from strong.

By the time of his death in 1806, Pitt appeared to be far older than 46. Tortured by gout and ulcers, he was, in the words of his physician, "a man much worn out," with eyes that "were almost lifeless," and "his voice hollow & weak." He had sacrificed his health in order to serve king and country. Appropriately enough, Pitt's last words were, "Oh, my country! How I leave my country!"

He had cause for concern because, notwithstanding the victory off Cape Trafalgar, the war situation still did not look all that promising. It was as if FDR had died after Midway. But Hague is convincing in defending Pitt's legacy as a resolute war leader and a cautious reformer.

No matter how many setbacks Britain suffered, Pitt rallied the nation to keep fighting. Although no transcripts exist of most of his speeches, it is clear that he often exhibited Churchillian eloquence—it might be more accurate to say that Churchill exhibited Pittian eloquence—as when he said of the French Revolution: "Nothing is too great for the temerity of its ambition, nothing too small or insignificant for the grasp of its rapacity."

In combating French designs, Pitt made many risky and courageous deci-

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sions. In 1798, he sent the bulk of the Royal Navy to the Mediterranean in pursuit of a French expeditionary force, even though it left the home islands vulnerable to invasion. This gambit led directly to Horatio Nelson's victory in the Battle of the Nile, which destroyed a French fleet and left Napoleon's army stranded in Egypt. Pitt showed equal wisdom and resolution on many other occasions, whether dealing with King George III's intermittent bouts of madness or facing down the mutiny of the Channel Fleet in 1797.

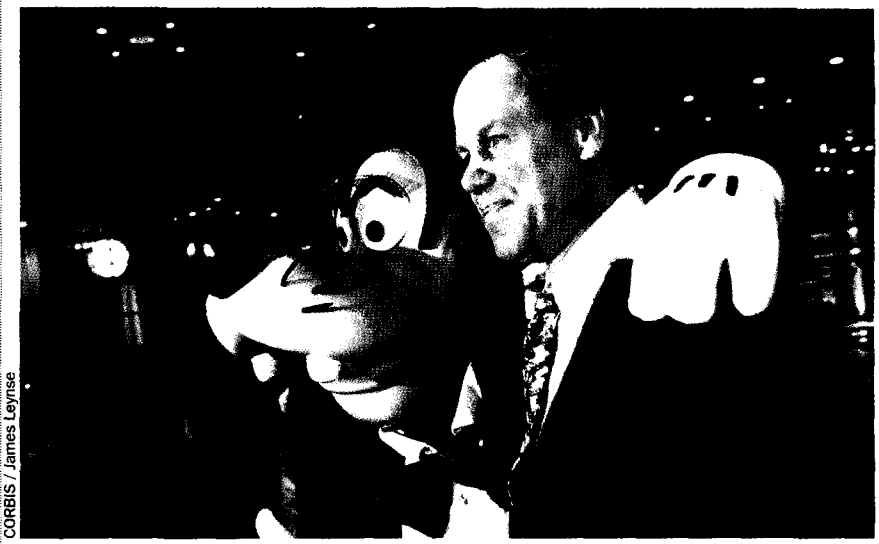
His greatest achievement lay in the unglamorous realm of finance. By raising large sums of money through a combination of borrowing and taxing (Pitt introduced Britain's first income tax, capped at 10 percent), he was able to create the "sinews of war" that kept one anti-French coalition after another going until final victory at Waterloo.

Pitt thought of himself as an "independent Whig," but he has gone down in history as a Tory. When he first entered politics, pretty much everyone was a Whig. Tories had been discredited as lackeys of the Stuart pretenders, chased out of office by William and Mary. Whigs were the champions of the parliamentary monarchy established by the Glorious Revolution of 1688. The divisions fostered by the French Revolution helped to tear the Whigs asunder. A small number of radicals under Fox expressed sympathy for the French Revolution and opposed Pitt while the more conservative Rockingham Whigs rallied around him. After his death, his friends would carry on his legacy, ruling for 23 straight years and laying the foundation for a modern Conservative party built on Pitt's reputation as (in Hague's words) "an improver rather than a radical."

George Canning offered the best epitaph for Pitt when he wrote a song about him called "The Pilot that Weathered the Storm." Britain was lucky to have such a pilot at such a perilous time. But looking back at the long, successful record of democracies in wartime, one is tempted to conclude that luck had nothing to do with it. ♦

Hello, Muddah

How Michael Eisner learned the arts and crafts of hardball. BY JUDY BACHRACH



CORBIS / James Leynse

Quick! Who among the hundreds of top executives you've read about comes off, hands-down, the most duplicitous? The biggest back-stabber? The all-around weirdest, most insecure, unrepentant creep?

Tall order, I realize, given the lively competition. But this onetime corporate king is sporting no ankle bracelet. Here's a hint as to who he is, straight from the lips of entertainment mogul Dave Geffen, who, some years ago, said of our executive: "Michael is a liar. And anyone who has dealt with him—genuinely dealt with him—knows he is a liar. . . . He suffers when anyone else shares the credit." The problem, Geffen told journalist Robert Sam Anson, was that this deceptive, ungenerous CEO suffered from "character flaws" so huge they could only be attributable to something "very, very damaged in his background."

Camp
by Michael D. Eisner
Warner, 182 pp., $22.95

Now, from the former Disney chieftain Michael Eisner—yes, it is he of whom Geffen was speaking—comes an actual book about this background. Only it isn't an autobiographical examination of the "very, very damaged" childhood that was postulated, but an Eisner ode to his own youthful summers, which were, he suggests, the delightful making of him. This book is called *Camp*. It is full of overnight treks, unsettling "lake smells," and sagacity gleaned from sweat; and although there aren't many such reminiscences that are remotely bearable (I am thinking here, for example, of my husband's), it is reportedly the firm conviction of Warner Books that Michael's summer days are so matchless as to be the fodder of best-sellerdom.

And perhaps, given the nature of our camper, they are, indeed, singular. On the cover we can see one small Eisner fist clutching an oar, and above

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it a pair of eyes that are, even then, small and pebble-hard. What *could* the art department have been thinking?

Certainly the book has sincerity on its side, and also enjoys, at just under 200 pages, the virtue of brevity. It is a tribute to the molding skills of a Vermont camp called Keewaydin, which is still extant and still all-boys. It is also stuffed with the usual accoutrements of bug-afflicted venues: campfires, canoes, wigwams, basketballs, and alleged Indian names for camp directors, as well as the local girls' camp (the latter is called—I have to mention this—"Songadeewin," which Eisner swears means "Literally . . . strong of heart"). All the stuff, in short, that makes you long for a motel, a remote control, and a Magic Fingers bed.

Nonetheless, the book does contain an extraordinary passage—in fact, the only one that actually identifies Eisner as something other than a happy camper: "In my business life," he writes, "I've learned that the group is much better as a whole than any of the individuals separately. Working in business can be another canoe trip. That said, subscribing to this virtue in the business world often meets resistance. How does one work in a team and 'help the other fellow' when so much else is fueled by jealousy, envy, and greed? Do money and competitiveness create the environment to ignore or even deceive the other fellow?"

Gosh, Mike, that is certainly a conundrum. Especially when you consider that "HELP THE OTHER FELLOW" is "motto number one at Camp Keewaydin." It is inscribed on a plaque! Yes, in caps! (On the other hand, BE A FAIR WINNER and BE A GOOD LOSER are tied, as Eisner's former Disney employees ought to know, at number two.)

Speaking of "the other fellow," let's say that you're another Mike—superagent Mike Ovitz, to be exact, who, for over 30 years, was Eisner's best friend until he made the mistake of accepting Eisner's offer to become his second-in-command at Disney—and in honor of your 50th birthday Eisner is throwing you some Songadeewin lavish party. Would it surprise you to learn that, at the same time Eisner is polishing the silverware and promising to "keep our friendship intact" and to "say and write only glowing things," he is, in fact, plotting to unload you from the um . . . canoe trip? That he's concluded he has his victim so neatly by the throat that Mike 2 is really nothing more than a "wounded animal in a corner"? That so anxious is he to dump this wounded animal, he is willing to fork over $140 million to Mike 2 after just one year on the job—which certainly turned Disney shareholders into Fabulous Losers?

But that sum is chump change, as James Stewart observed in *Disney War*, compared to what the Mouse House had to pay Jeffrey Katzenberg, who was head of Disney's motion picture divisions until ousted by Eisner.

"I think I hate the little midget," was Eisner's judgment of his ex-subordinate—a remark surely at odds with Michael's rueful but tender reflections on page 61: "Just as it is at Keewaydin, the challenge in business is to foster an enthusiastic atmosphere of teamwork that becomes self-reinforcing.

"It's tough, though. The world is not camp—and that's too bad."

Hmmm. I'm not sure I agree with Michael here. In fact, the more one thinks about camp, the more reminiscent it is of life in all its raw and disagreeable variety. Surely some of Eisner's oddities are directly traceable to his youth. And quite a bit of his speech, as well as his pique, bear the singe of the campfire. As far as he was concerned, Eisner told his biographer in one really peculiar turn of phrase, he was Disney's biggest cheerleader and Katzenberg merely the tip of his "pom-pom." As for Katzenberg's insistence on being paid off after his ouster: "I don't care what he thinks, I am not going to pay him any of the money."

Two hundred eighty million dollars later, an enriched Katzenberg could be said to have written the book on how to BE A GOOD LOSER . . . definitely a guy deserving of his own plaque among the pines. And he didn't even have to learn how to clean up at Camp Keewaydin. ♦

A Forgotten War

In 1759, the British won the struggle for North America. **BY PATRICK J. WALSH**

What Europeans refer to as the Seven Years war, and Americans label the French and Indian, was actually the first world war, extending throughout Europe to India and the Americas, encompassing both Indies. Horace Walpole said it "set the world on fire." The conflagration first sparked in North America when, in 1754, a 22-year-old Virginia militia major named George Washington skirmished with French soldiers near present-day Pittsburgh. Lieutenant Governor Dinwiddie of Virginia had sent Washington to the French to order them out of the Ohio territory.

Empires at War
The French and Indian War and the Struggle for North America, 1754-1763
by William M. Fowler Jr.
Walker, 332 pp., $27

Relations between the two powers were always tense, and a preceding conflict, King George's war, had not settled the disputed borders. New France once extended from Newfoundland in the east to the Gulf of Mexico at New Orleans. The huge territory included Louisiana, along with the Great Lakes. Within it

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'The Death of General Wolfe' (1759) by Benjamin West

ran several of the most strategically important rivers in North America—the St. Lawrence, the Mississippi, and the Ohio, which dissected the continent.

English colonies huddled on the eastern Atlantic seaboard. Along their immediate western borders lay Indian land. Further west stretched the disputed Ohio territory, claimed by France, and the colonies of Virginia and Pennsylvania. For more than a century, France and her Indian allies would remain a threat to the stability and security of the English colonies, checking their westward advancement.

Although the English colonies occupied a smaller territory, they collectively outnumbered New France with a population of one million to the French 60,000. Early in the 17th century, France's great explorer Samuel de Champlain had urged a larger colonization of Canada. It never occurred, as France was embroiled in a dynastic struggle and colonial investors became more interested in establishing trading posts rather than settling and developing the country. France's colonial system was highly centralized, with Versailles directing everything to the utmost detail. Decentralization characterized the English method. In addition, when the British colonist left the motherland, his first instinct was to create institutions that involved local control.

Voltaire dismissed Canada as a "few acres of snow." William Pitt the Elder saw it as the linchpin maintaining France's overseas empire. Pitt was an imperialist who championed colonies abroad and all British commercial interests. He intended, as Winston Churchill wrote, "to humble the house of Bourbon, to make the Union Jack supreme in every ocean, to conquer, to command."

His foreign policy met with tremendous success. When the war ended, France had lost all of her North American possessions and her influence in the West Indies, while England had acquired India and a vast global empire.

William Fowler, director of the Massachusetts Historical Society, has made the French and Indian war accessible to everyone in this highly readable volume. He believes that Americans have viewed "the French and Indian War backward through the Revolution," and that this "masks its true importance"—namely, it was a "world shaping event over who would dominate the continents of the world." His brilliant narrative restores to us the war in all its epic proportions, and in so doing, pays tribute to a neglected classic, Francis Parkman's *Montcalm and Wolfe*, rightly called "a piece of magisterial history."

Fowler's work can be seen as a shorter companion piece to Parkman's great achievement. For he also brings to life the varied personalities, ranging from greedy colonial officials eager for land acquisition to men of great nobility, like Generals Montcalm and Wolfe. We witness the fearlessness of Scottish Highlanders, whom the British were eager to recruit into the Black Watch and get safely out of Britain. These Gaelic-speaking, clannish men in kilts were fierce fighters and considered by the Iroquois to be a "kind of Indian." And throughout, Fowler shows sympathy for the Indian's plight as a people caught between the clash of two world powers.

The struggle for North America is a story filled with passion and poetry. Before the final battle for Quebec commenced in 1759, the young British general James Wolfe surveyed the field of engagement from a nearby cemetery, and aptly quoted from Gray's "Elegy":

The boast of heraldry, the pomp of power,
And all that beauty, all that wealth ever gave,
Awaits alike th' inevitable hour—
The paths of glory lead but to the grave.

It was a prophetic utterance and, perhaps, the only instance in history of a decisive battle of world import where the commanders of opposing armies lost their lives. The noble French general, the Marquis de Montcalm, was also mortally wounded on Quebec's Plains of Abraham. The American artist Benjamin West captured the war's drama in his brilliant *The Death of General Wolfe*. In this masterpiece, Wolfe lies bleeding, one arm paralyzed; the other props him up as his eyes swoon toward death. Crouching in front of Wolfe is an attentive Indian in war dress, his hand under his chin, as he seems to ponder the mortality of men and empires. ♦

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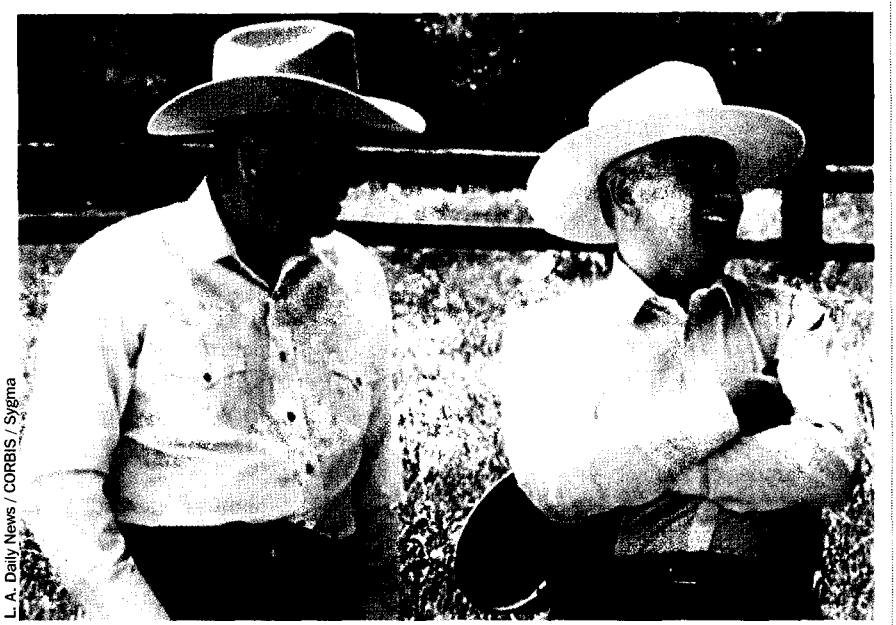
Bombs Away

Reagan 'felt that Mutual Assured Destruction (MAD) was just that.' BY ILYA SHAPIRO



L.A. Daily News / CORBIS / Sygma

A conservative president uses stark language to describe America's foes, and goes against the wishes of our allies and the counsel of moderate advisers to confront this "evil" directly. He does this all in the hope that our children can live in a safer world, and that the children of our erstwhile enemy can—one day, sooner rather than later—enjoy the fruits of liberty that he feels compelled, destined, to sow in seemingly inhospitable lands.

The mainstream media criticize him for being naive and simple-minded, while Democratic leaders scoff at the appalling lack of nuance in his policies. The president perseveres, and today there are elections where once there were slave labor camps, as other countries in the region rush to democratize their suppressed polities.

Though it is still a tad early to pronounce definitively on George W. Bush's decision to embark on an ambitious plan to reorder the Middle East, Ronald Reagan's place in history as the man who won the Cold War, despite opposition and underestimation from every corner, is secure. And *Ronald Reagan and His Quest to Abolish Nuclear Weapons* adds an important chapter to our understanding of the 40th president's great contribution to international affairs and, yes, world peace. (Full disclosure: Paul Lettow was a college classmate of mine, although he was a history major and I studied international relations.)

Ronald Reagan and His Quest to Abolish Nuclear Weapons
by Paul Lettow
Random House, 327 pp., $25.95

We would not have seen this 15 or even 5 years ago, when "the end of history" brought on a sort of foreign policy fatigue that awarded gold watches to the cold warriors while retiring them to their memoirs and think tanks. But now, with history having once again reared its nondialectical head, and with President Reagan's poignant decline and demise, we increasingly recognize his wisdom and foresight. Not only did he firmly believe that America had to remove the scourge of Soviet oppression at a time when détente was the order of the day and communism at its zenith, Lettow argues, but he wanted to get rid of nuclear weapons because he felt that mutual assured destruction (MAD) was just that. In other words, this remarkably counterintuitive book shows that, even as Reagan championed historic increases in defense spending and weaponry, he was hoping to make all his weapons programs redundant.

And the centerpiece of Reagan's antinuclear policy, and of his success in dealing with the Soviets, was the Strategic Defense Initiative. It is quite striking, actually, how important a role SDI played in the American diplomatic and political considerations depicted here. Moreover, Lettow marshals considerable evidence to show that Reagan was the driving force behind every major angle of superpower politics, from the decision to resist Soviet expansion in Central America and the Middle East to the stubborn insistence on developing SDI as a way both to protect America and force internal Soviet reform.

Reagan was committed to accelerating the arms race because he was convinced that the Soviet command economy could not sustain such production or keep pace with American technological innovation. Yet from his earliest entry into politics as an FDR Democrat, Reagan dreamed of eliminating nuclear weapons. And from his first exposure to missile defense, at a meeting with Edward Teller in 1967 (shortly after assuming the California governorship), Reagan saw the potential for such technology to contribute to grander arms control initiatives.

Ilya Shapiro, a Washington lawyer, writes the "Dispatches from Purple America" *column for* TechCentralStation.com.

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Lettow does not stop his provocative argument at the ostensible subject of his book, President Reagan's nuclear weapons policy. Instead, he probes further, using newly declassified documents and interviews with high-ranking officials to develop a full picture of Reagan's coherent and compelling vision for his presidency, and his strategy for dealing with the Soviet threat.

If there is one general criticism to make, it is that so few Soviet/Russian sources were consulted. The resulting tale is not so much one-sided as incomplete; it would be fascinating to learn the Politburo's precise reaction to Reagan's "Evil Empire" speech, for example, or to his unflinching stance on SDI. But this is a complaint about the book that should have been written rather than about the one that was.

Lettow makes clear that successful leadership often involves defying conventional wisdom, and having the courage to follow one's instincts in the face of uncertain policy analysis and advice. It is a lesson that George W. Bush no doubt took to heart, even as critics are being proven wrong on an issue of historical importance for the second time in two decades. We should not draw the parallel too closely—much can go wrong on the way to Damascus, as it were—but it bears contemplation that a Soviet collapse was just as unthinkable in 1980 as a Middle Eastern liberalization was in 2000. (Or on September 10, 2001.)

As it happens, this book is a timely outgrowth of Lettow's Oxford dissertation, which caused me to recall a general placement exam I took when starting graduate school, also in England. One of the questions asked for nothing less than an explanation for the fall of communism, and I wrote a cheeky answer focusing on Ronald Reagan, Margaret Thatcher, and Pope John Paul II, expecting to draw a rebuke from my tutor for being excessively reactionary. My adviser did fault my analysis in several places—for not giving Reagan enough credit. It is to the reader's great benefit that Lettow's advisers were similarly open-minded, and that Paul Lettow makes no such mistake. ♦

Our Celtic Fringe

The American mainstream has Scots-Irish blood.

BY JOHN SHELTON REED

C. Vann Woodward, the distinguished historian of the American South, once spoke of the regional differences among his graduate students at Yale. The southerners, he said, wanted to tell stories about their region, while the Yankees wanted to advance some thesis or other. Appropriately for someone who grew up all over (in a military family), James Webb does both. In fact, *Born Fighting* is really almost two separate books.

Born Fighting
How the Scots-Irish Shaped America
by James Webb
Broadway, 369 pp., $25.95

The first book, the storytelling one, is a memoir and family history, and it's a corker. The son of a self-made Air Force officer, Webb went to Annapolis, then as a Marine infantry officer to Vietnam, where he was wounded twice and received the Navy Cross for valor. In 1972 he left the Marines and enrolled in law school at Georgetown, where at the time a warrior was, to say the least, not understood. (The experience obviously still rankles.) While a student, he wrote a book on U.S. strategy in the Pacific, and began a legal campaign to clear a fellow Marine wrongly convicted on charges of war crimes—a campaign that eventually succeeded, but only three years after the man's suicide. In 1978, he published *Fields of Fire*, a highly praised novel of the Vietnam war, and the first of his six bestsellers. He served in the Reagan administration as assistant secretary of defense and secretary of the Navy, resigned to protest cuts in naval strength, and has lately turned his hand to journalism, business consulting, and screenwriting/producing.

John Shelton Reed is Kenan Professor Emeritus of Sociology at the University of North Carolina and author, most recently, of Minding the South.

Webb comes from a long line of fighters, both in and out of uniform. His people have been fighting their nations' enemies, their own, and occasionally each other for hundreds of years, and some of their stories are as compelling as Webb's own. This is good reading.

Why are these people so scrappy? Well, Webb has a theory about that, and that's the second book.

Webb's ancestors were for the most part Scots-Irish (more commonly, if less correctly, "Scotch-Irish"), part of the great wave of 18th-century immigrants from Ulster to Pennsylvania, who then moved south down the Shenandoah Valley to settle the southern backcountry, moving on from there to Texas, Missouri (where Webb was born), and points north and west. Webb believes that the Scots-Irish have a distinctive culture that includes aggressive response to insult, attack, and attempted intimidation: "Physical courage fueled this culture, and an adamant independence marked its daily life. Success itself was usually defined in personal reputation rather than worldly goods."

Moreover, as his subtitle ("How the Scots-Irish Shaped America") indicates, he believes this culture's "legacy is broad, in many ways defining the attitudes and values of the military, of working-class America, and even of the particularly populist form of American democracy itself," in fact that it "has become the definition of 'American' that others gravitate toward

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when they wish to drop their hyphens and join the cultural mainstream."

If I find this argument appealing, it's possibly because the Scots-Irish are my people, too. I grew up less than 10 miles from Moccasin Gap, Virginia, where Webb begins his book searching for his great-great-grandparents' graves, and given how things were in the early years of Virginia's "Fighting Ninth" congressional district, we're probably cousins—although most of my ancestors were Unionists and Republicans and most of his Rebels and Democrats.

Webb sees this culture as "bred deeply into every heart," "passing with the blood," even "in the Scots-Irish DNA" (although I think he's speaking figuratively). He argues that it has been shaped and reinforced by the group's experience, and a potted (and occasionally padded) history of Scotland, Ulster, and 18th- and 19th-century America amply illustrates his point that the Scots-Irish have a long record of invasion, oppression, and resistance. Again and again, they have found—or put—themselves in the position of, well, *insurgents*. This history of incessant conflict, together with the Scottish clan structure, the Protestant Reformation, and rural isolation, has "ingrained" certain attitudes and values in the Scots-Irish, and the other groups they have influenced and absorbed:

> The culture in its embryonic form stood fast against the Roman and Norman nation-builders who created a structured and eventually feudal England. The unique emphasis on individual rights and responsibilities that sprang from Calvinism and the Scottish Kirk caused it to resist the throne and finally brought down a king. The fierceness of its refusal to accommodate the Anglican theocrats in Ulster created the radical politics of nonconformism, and this attitude was carried into the Appalachian Mountains. Its people refused to bend a knee to New York and Boston either before, during, or after the Civil War, standing firm against outside forces that would try to tell them how to live and what to believe. And even today . . . it refuses to accept the politics of group privilege that have been foisted on America by its paternalistic, Ivy League-centered, media-connected, politically correct power centers.

I think he's on to something here. During the conflict over the Mississippi state flag, I was struck when a reporter for the *Irish Times* found the whole controversy eerily reminiscent of Ulster, where they also "do battle over the right to flaunt symbols of division in the name of irreconcilable versions of history."

W.J. Cash

But Webb's argument was presented more succinctly in a *Wall Street Journal* piece he wrote just before the 2004 elections ("Secret GOP Weapon: The Scots-Irish Vote"), and it has been presented more thoroughly and systematically by David Hackett Fischer in *Albion's Seed* (which Webb cites often), and Grady McWhiney in *Cracker Culture* (which, oddly, he doesn't cite at all, although he did take a chapter title, "Attack and Die," from another of McWhiney's books on the South's "Celtic" heritage). Anyone seriously interested in Webb's thesis would do well to read Fischer and McWhiney, as well as a fascinating and underappreciated book called *Culture of Honor: The Psychology of Violence in the South* by Richard E. Nisbett and Dov Cohen. One should also read the extensive literature critical of these books, because this is a highly controversial field of scholarship, although you wouldn't know that from Webb's presentation.

And that's the problem with this second book of his. Webb draws extensively from W.J. Cash's 1941 classic *The Mind of the South* (which he describes as "perennially well-regarded"—not exactly so, but I don't want to turn this into even more of a bibliographical essay). Like Cash, Webb paints with broad, bold strokes, and one can only admire the sweep and dash of his treatment. But, also like Cash, he has a way of treating as fact what is actually conjecture and hypothesis. Like his Scots ancestors, Webb wades fearlessly into battles—in this case, historiographical ones, some of them recent (like the importance of the "Celtic" heritage), others (like the causes of the Civil War) that have been raging for decades. I pretty much agree with him on most points, but then, as a Scots-Irishman myself, I would. A good many serious historians do not, and by no means all of them are prisoners of political correctness—a phrase which should probably be retired, although Webb is fond of it.

Also, predictably for an academic, I have an overpowering urge to pick nits that are individually trivial, but that add up to make me uneasy. Just three examples: Webb's observation that Andrew Jackson's crushing defeat of the British at New Orleans forced them "once and for all to abandon dreams of regaining their hold on American interests" may be, at least, overstatement. As every schoolboy once knew, that victory took place *after* the signing of the treaty that ended the War of 1812.

To say that John Calvin is "the founder of the modern Christian evangelical movement," and that Scots-

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Irish culture still has an "emphasis on Calvinist theology," simply ignores the culture war in the antebellum southern uplands between Calvinists and Arminians (the "free will" ancestors of modern evangelicalism), a war the evangelicals won.

Finally, as a measure of the unimportance of slavery to southern yeomen, Webb mentions, twice, that only 5 percent of antebellum white Southerners owned slaves. This is technically correct, but a more meaningful figure is that between a quarter and a third of white southern *households* owned slaves (and a much higher percentage in the cotton states).

In short, Webb has an interesting and important argument, although it's not as novel as he apparently believes, and he doesn't really make the best possible case for it. Even if he's right, it raises as many questions as it answers. Why, for example, do contemporary Scotland and Ireland (Ulster, perhaps, aside) no longer display some of these "Celtic" traits? And how is it that so many other southerners and Americans—in particular, those who trace their ancestry to West Africa—happen to have many of the same values? These questions are not unanswerable in Webb's terms, but they do suggest that the story is more complicated than the simple passing-in-the-blood version that we get here.

It's also not entirely clear what Webb wants us to do. Plainly, he wants to alert politicians and the media to the presence, grievances, and influence of this largely neglected and ignored American ethnic group, and who could object to that? (Well, Charles Krauthammer, for one. When Howard Dean said that he wanted the votes of "guys with Confederate flags in their pickups," Krauthammer accused him of going after the "white trash vote" of "rebel-yelling racist rednecks." Webb observed at the time that Krauthammer "has never complained about this ethnic group when it has marched off to fight the wars he wishes upon us.")

But apparently, Webb also wants to raise the consciousness of Scots-Irish Americans themselves. If you had asked them, Webb's ancestors would have said they were "Americans" or "Southerners" or (usually) both, but almost certainly not "Scots-Irish." As Webb describes it:

> In their insistent individualism [the Scots-Irish] are not likely to put an ethnic label on themselves. . . . Some of them don't even know their ethnic label, and some who do don't particularly care. They don't go for group identity politics any more than they like to join a union. Two hundred years ago the mountains built a fierce and uncomplaining people. To them, joining a group and putting themselves at the mercy of someone else's collective judgment makes about as much sense as letting the government take their guns. And nobody is going to get their guns.

Time Life Pictures / Getty Images / Cynthia Johnson

James Webb

In other words, when it comes to identity politics, it looks as if many of us Scots-Irish just don't *get* it. How else to account for the fact that, as Webb reports, 38 percent of the population of Middlesborough, Kentucky, told the 2000 Census that their ethnicity is "native American"?

Personally, I'm glad that there is no Scots-Irish Anti-Defamation League. Certainly, we Scots-Irish have been defamed ever since the English-American Virginia aristocrat William Byrd visited North Carolina in 1733 and wrote scornfully about the inhabitants of "Lubberland," and Webb points out the irony of lumping the Scots-Irish with "WASPs," their historic adversaries: "In this perverted logic, those who had been the clearest victims of Yankee colonialism were now grouped together with the beneficiaries. All WASPs were considered to be the same in this environment, as if they had landed together on the same ship at Plymouth Rock and the smart ones had gone to Boston while the dumbest had somehow made their way to West Virginia."

But not only have most Scots-Irish resolutely refused to see themselves as victims, some have even made contemptuous jokes about those who do. The southern comedian Brother Dave Gardner's proposal for a National Association for the Advancement of White Trash is just a starter.

Webb believes that "the final question in this age of diversity and political correctness is whether [Scots-Irish Americans] can learn to play the modern game of group politics." He tells the story of Phyllis Deal of Clintwood, Virginia, who was asked by a *Washington Post* reporter if her traditional Appalachian foodstuffs were being marketed through local food cooperatives. "No," she answered. "There's a traditional resistance to cooperatives in our area. We're just not very cooperative."

Webb comments: "Dear Mrs. Deal: I admire your independent spirit. But it's time to get more cooperative." I like attitude, too. But I'm not sure I want to see her change. ♦

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"He wasn't merry enough."

Books in Brief

***The Difference Between Women and Men: Stories* by Bret Lott (Random House, 208 pp., $23.95).** When a writer who is also editor of the *Southern Review* gathers his stories into a collection like *The Difference Between Women and Men*, one thought that has to pass through the reader's mind is that the regional writer is becoming a thing of the past, even if one of the writer's most enjoyable tales begins with the epigraph, "For Mr. Faulkner, with respect."

As domesticated as most of his settings are, the universe of Bret Lott's stories is the uncertainty of family life. Locations, to the extent they are discernible, are all over the map, from New England to Florida and coast to coast. While there is no hint of the impact of cyberspace, and none of the hyped-up eclecticism of the stories of, say, David Foster Wallace, the characters Lott plays witness to inhabit today's world, where marriage and parenthood are fragile states, never very far removed from disintegration. Ordinary events are unreliable, sometimes even irradiated, so that when a husband and wife in the midst of a quarrel realize that they've forgotten their children, then find them, they are grown up and miniaturized, living in an Igloo cooler in the backyard shed, with no memories of themselves to match what the parents treasure about them most.

Most of the stories eerily border the edge of an alternate universe: A man in the car with his wife uses a wrong turn of phrase and reaching home discovers that his marriage of 27 years is now set on an uncomfortable new path. Another man, admitting an adulterous affair to his wife, takes comfort in assuring her that they will get through this, unaware that she is already seeing him dissolve and about to disappear. No assumption about your nearest and dearest is safe.

An electrical contractor, confident in his sense of what it takes to make things work, reaches for the switch plate in the bedroom of his tract house and finds how little control he actually has over the events of his life. Disconnections are vertical as well as horizontal; parents don't really know their children; children miss parents who have been dead for years. But the disjunctions are more perceived than real, like those moments when life briefly feels like a *Saturday Night Live* skit that no one is watching but you.

Such moments get their potency, though, from their light arrival, and not every story here works equally well. On the other hand, one that works brilliantly is "Rose." Lott does show a touch of regionalism by exercising his abilities as a Faulkner connoisseur to replay the events of Faulkner's famous story "A Rose for Emily," only as the facts of the tale could be known to no one but the dying Miss Emily herself. Whether you have been seduced at some point in life by the Faulknerian style or remained inured, you will enjoy this reiteration of its long interior meanderings, with the sins of the fathers (or in this case the mothers) being visited on the next generation yet again, polished off now and then with a nice verbal fillip. But it does seem that Lott's epigraph could afford to be a touch more apologetic. "A Rose for Emily" is as straightforward as any tale Faulkner ever chose to tell, achieving its gothic quality with a minimal suggestion of grotesque events. "Rose" is more in the mode of *Absalom, Absalom!*

"The Train, The Lake, The Bridge" is the real jewel. Set apart from all the works in period and tone, it is a memory piece, and a ghost story without ghosts, in which the narrator recalls a moment from his boyhood in New England during the Great Depression. He draws the reader into the haunting events with the sure and steady fluidity of a memory surfacing at its own pace.

"Postscript" is a nice story to end the book. It's a brief piece in which a writer mulls over his daily efforts in the face of his family's daily uncertainties, to find the right words for a story. Then, in a perfect rising of the moon against a night sky, he finds them.

—Edith Alston

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Parody

Sony BMG's Epic Records told radio stations that they would give listeners all-expenses paid trips to Vegas and tickets to Celine Dion's show if they played two of her songs a certain number of times each week, said documents released by New York Attorney General Eliot Spitzer. —News item

PAYOLA SCANDAL WIDENS; DC STATION INVESTIGATED

City Shaken by 'Pay-for-Play' Charges; Sex, Drugs...and Classical Music

By FLOYD NORRIS

WASHINGTON, Aug. 15 — Officials at WGMS-FM, the commercial classical music station in Washington, DC, have admitted to federal prosecutors that their playlists were "routinely influenced" for years by "expensive gifts, free trips," and other perquisites, according to a report released by the Department of Justice.

Station officials are now cooperating with the federal government.

In a series of statements, prosecutors painted a harrowing picture of corrupt recording companies and greedy radio personalities. For example, in late 2003, Deutsche Grammophon, which was promoting a new series of recordings of Franz Schubert's string quartets, showered station employees with numbered prints of Vienna, Austria, Schubert's hometown, as well as free admission tickets to the Washington Antiquarian Book Fair. WGMS disc jockeys were invited to suburban wine tastings, church architecture tours in the nation's capital, and a private VIP reception at a local bookstore for the author of a recent Schubert biography.

In what Justice officials consider a "unique twist" in music industry scandals, the station, which calls itself "Classical 103.5" would frequently lure two record companies into "competitive payola." Says one prosecutor: "It was more like 'Classical Bribery.' In one case two separate labels had CDs of Bach's Mass in B minor, and the station had them paying for potted orchids, audio books, incunabula, Amish quilts, and even trips to the Berkshire Festival at Tanglewood. It was unbelievable."

Earlier this year, when MCA released a 1981 live performance of Hindemith's "Mathis der Maler" on CD, performed by the Academy of St. Martin-in-the-Fields, under the direction of Sir Neville Marriner, the media giant guaranteed air time by presenting WGMS advertising salesmen with illuminated manuscript leaves, matted and framed, as well as complimentary brunch for two at the Walters Art Museum food court in nearby Baltimore.

The most expensive payola, according to several sources, was probably a Columbia Records campaign in the Fall of 2004 to promote recordings of Beethoven sonatas by pianist Emmanuel Ax.

"WGMS played Columbia for all they were worth, and Columbia was happy to dish out the goodies," says one seasoned federal prosecutor. "There were trips to embassy musicales, free busts of composers, autographed copies of Gelsey Kirkland's 'Dancing On My Grave.' One Columbia representative admitted giving a DJ some strands of hair from the late Dame Myra Hess, encased in a porcelain locket."

Shaking his head in dismay, the Justice Department lawyer explained the price paid by radio listeners: "When people could have been hearing music by Schoenberg, or Carl Orff, or Beethoven's late quartets, or something equally challenging, they had to listen to the Pathetique or Pachelbel's Canon, or Dvorak's New World Symphony, over and over again."

Continued on Page A19

Roberts's Kindergarten Teacher Recalls 'Disruptive' Student

WASHINGTON, August 15 — he is "more likeable" and has appoint-

the weekly Standard
August 15 / August 22, 2005

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Why Has Latin America Turned Left?

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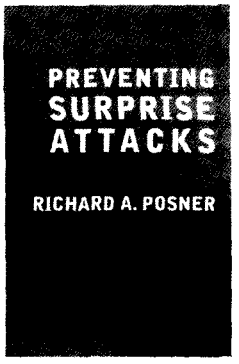

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In the past five years, Latin American governments that came to power in the 1990s and favored privatization, deregulation, and the opening of their borders to foreign trade and investment have been swept aside and replaced by presidents who lean to the left.

In Brazil, the Workers' Party candidate, Luis Inácio Lula da Silva, was elected to the presidency in 2002. The following year, Argentina elected a left-leaning Peronist, Nestor Kirchner; earlier this year in Uruguay, Taberé Vázquez's election ended 150 years of electoral dominance by the country's two established political parties. Venezuela retained Hugo Chavez and his "Bolivarian revolution" in a national referendum in August 2004. Bolivia has yet to elect a leftist president but is likely to do so. That country's "Movement toward Socialism" has forced President Carlos Mesa to resign and has signaled that potential successors will be met with similar resistance. Mexico also appears poised to follow in the footsteps of its southern neighbors; the leading contender in the 2006 presidential elections is Andres Manuel Lopez Obrador, the populist mayor of Mexico City.

What accounts for this sea of change in Latin American politics? Have Latin American voters undergone a profound ideological transformation in half a decade? Or do other factors explain the defeat of politicians who espoused free markets by those whose rhetoric echoes a more populist past?

Latin America's anemic economic performance explains the leftward shift in its politics. With the exceptions of Chile and Costa Rica, the economies of Latin America have limped along for the past two decades. In the 1980s, Latin America's economies nosedived as a result of decades of protectionism, government intervention in markets, and deficit spending. In the 1990s, in an effort to turn things around, Latin American governments opened up their economies to foreign trade and investment, cut spending, and sold off state-owned enterprises, with promises of rapid economic growth. Those reforms did produce positive impacts but not of the magnitude that populations expected. Indeed, most countries grew just enough to make up for their contraction in the 1980s; Mexico's per capita GDP in 2004, for example, was only 15 percent greater than it had been in 1982.

Meanwhile, Latin America's labor force proliferated. Most of the Latin American population is young—recently entering, or about to enter, the workforce. Given that a majority of voters have entered the labor force since the early 1980s and encountered a dearth of opportunities, it is not surprising that they have been receptive to more heterodox approaches to economic policymaking. Equally unsurprising is the new Latin American governments' lack of enthusiasm for U.S. proposals for a hemisphere-wide free trade area.

The implication for U.S. policy is clear: if policymakers are concerned about the leftward shift in Latin America, they should concentrate on helping the region grow. This help will need to go well beyond free trade. Indeed, they might take a page out of the experience of the EU, whose wealthier nations have helped subsidize public investment in its poorer partners.

— Stephen Haber

Stephen Haber is the Peter and Helen Bing Senior Fellow at the Hoover Institution. He is also the A. A. and Jeanne Welch Milligan Professor in the School of Humanities and Sciences.

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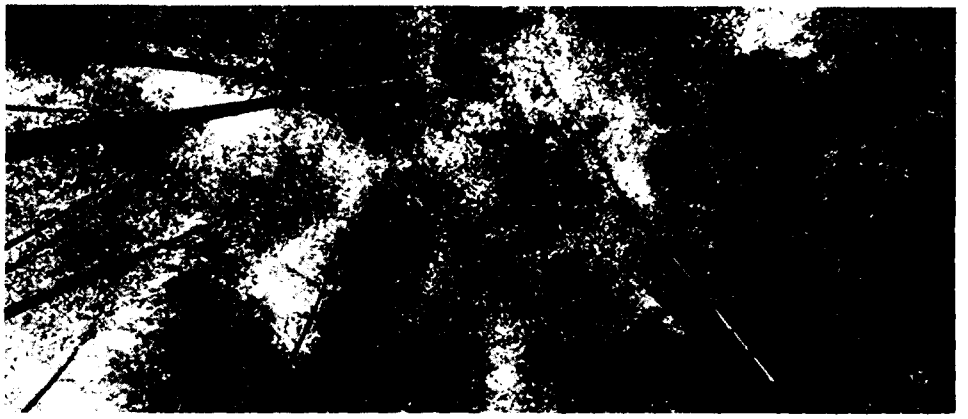

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by the parent company of Kraft Foods, Philip Morris International and Philip Morris USA

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